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HOUSE OF REPRESENTATIVES

FILED MAR 4 1985

I certify that the attached is a true and
correct copy of HB 1330, which
was filed of record on MAR 4 1985
and referred to the committee on:
State of
Betty Murray
Chief Clerk of the House

By Bill Mercer

H. B. No. 1330

A BILL TO BE ENTITLED

AN ACT

relating to state and local regulation of outdoor signs.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1

SECTION 1. DEFINITIONS. In this article:

(1) "Sign" means an outdoor structure, sign, display, light device, figure, painting, drawing, message, plaque, poster, billboard, or other thing that is designed, intended, or used to advertise or inform.

(2) "Municipality" means an incorporated city, town, or village, including a home-rule city.

SECTION 2. RELOCATION, RECONSTRUCTION, OR REMOVAL OF SIGN: COMPENSATION OF OWNER. (a) Subject to the requirements of this article, a municipality may require the relocation, reconstruction, or removal of any sign within its corporate limits.

(b) The owner of a sign that is required to be relocated, reconstructed, or removed is entitled to be compensated by the municipality as provided by this section for costs associated with the relocation, reconstruction, or removal.

(c) For a sign that is required to be relocated, compensable costs include the expenses of dismantling the sign, transporting it to another site, and reerecting it, and the decrease in value of the property on which the sign was located, determined according to the standards and procedures applicable in a proceeding under

Chapter 21, Property Code. In addition, the municipality shall issue to the owner an appropriate permit or other authority to operate at an alternative site of substantially equivalent value a substitute sign of the same type and compensate the owner for any increased operating costs (including increased rent) at the new location. The owner is responsible for designating the alternative site. Whether an alternative site is of substantially equivalent value is determined by standards generally accepted in the outdoor advertising industry, including visibility, traffic count, and demographic factors.

(d) For a sign that is required to be reconstructed, compensable costs include expenses of labor and materials and any loss in the value of the sign because of the reconstruction, determined according to standards and procedures applicable in a proceeding under Chapter 21, Property Code.

(e) For a sign that is required to be removed, compensable costs include the cash value of the sign and the decrease in the value of the real property on which the sign was located, determined according to standards and procedures applicable in a proceeding under Chapter 21, Property Code.

SECTION 3. METHOD OF COMPENSATION. (a) In order to pay the compensable costs required under Section 2 of this article, the governing body of any municipality is authorized to utilize only the following methods prescribed by this section, or a combination of those methods.

(b) The municipality, acting pursuant to the Property Redevelopment and Tax Abatement Act (Article 1066f, Vernon's Texas

1 Civil Statutes), may abate municipal property taxes that otherwise
2 would be owed by the owner of a sign that is required to be
3 relocated or reconstructed. The abated taxes may be on any real or
4 personal property owned by the owner of the sign except residential
5 property. The right to the abatement of taxes is assignable by the
6 holder, and the assignee may use the right to abatement with
7 respect to taxes on any nonresidential property in the same
8 reinvestment zone.

9 (c) The municipality may allocate all or any part of the
10 municipal property taxes paid on signs, on the real property upon
11 which the signs are located, or on other real or personal property
12 owned by the owner of the sign to a special fund in the municipal
13 treasury, to be known as the sign abatement and community
14 beautification fund, and make payments from that fund to reimburse
15 compensable costs to owners of signs required to be relocated,
16 reconstructed, or removed.

17 (d) The municipality may provide for the issuance of sign
18 abatement revenue bonds and use the proceeds to make payments to
19 reimburse costs to the owners of signs required to be relocated,
20 reconstructed, or removed.

21 (e) The municipality may pay compensable costs in cash.

22 (f) In any proceeding in which the reasonableness of
23 compensation is at issue and the compensation is to be provided
24 over a period longer than one year, the court shall consider
25 whether the duration of the period is reasonable under the
26 circumstances.

27 (g) When a municipality requires an owner of more than one

1 sign to remove a sign, it must permit the owner to designate for
2 retention an equal number of signs. The owner is entitled to
3 retain the designated signs as nonconforming uses and the
4 municipality may not later require their relocation,
5 reconstruction, or removal, except as authorized by Section 4(b) of
6 this article.

7 (h) If application of a municipal regulation would require
8 reconstruction of a sign in a manner that would make it ineffective
9 for its intended purpose, such as by substantially impairing the
10 sign's visibility, application of the regulation is treated as the
11 required removal of the sign for purposes of this article.

12 (i) In lieu of paying compensation, a city may exempt from
13 required relocation, reconstruction, or removal those signs
14 lawfully in place on the effective date of the requirement.

15 SECTION 4. EXCEPTIONS. (a) The requirements of this
16 article do not apply to any sign that was erected in violation of
17 local ordinances, laws, or regulations applicable at the time of
18 its erection.

19 (b) The requirements of this article do not apply to a sign
20 that, having been permitted to remain in place as a nonconforming
21 use, is required to be removed by a municipality because the sign,
22 or a substantial part of it, is blown down or otherwise destroyed
23 or dismantled for any purpose other than maintenance operations or
24 for changing the letters, symbols, or other matter on the sign.

25 (c) For purposes of Subsection (b) of this section, a sign
26 or substantial part of it is considered to have been destroyed only
27 if the cost of repairing the sign is more than 50 percent of the

1 cost of erecting a new sign of the same type at the same location.

2 ARTICLE 2

3 SECTION 1. LEGISLATIVE INTENT. It is the intent of the
4 legislature to promote and control the reasonable, orderly, and
5 effective display of outdoor advertising on all highways and roads
6 located outside the corporate limits of cities, towns, and villages
7 in Texas to promote the recreational value of public travel, and to
8 preserve natural beauty.

9 SECTION 2. DEFINITIONS. In this article:

10 (1) "Commission" means the State Highway and Public
11 Transportation Commission.

12 (2) "Rural road" means a road, street, way, thoroughfare, or
13 bridge that is located in an unincorporated area and is not
14 privately owned or controlled, any part of which is open to the
15 public for vehicular traffic, and over which the state or any of
16 its political subdivisions have jurisdiction.

17 (3) "Sign" means an outdoor structure, sign, display, light
18 device, figure, painting, drawing, message, plaque, poster,
19 billboard, or other thing that is designed, intended, or used to
20 advertise or inform and that is visible from the main-travelled way
21 of a rural road.

22 (4) "On-premise sign" means a sign identifying or
23 advertising a business, person, or activity, and installed and
24 maintained on the same premises as the business, person, or
25 activity.

26 (5) "Off-premise sign" means a sign displaying advertising
27 copy that pertains to a business, person, organization, activity,

1 event, place, service, or product not principally located or
2 primarily manufactured or sold on the premises on which the sign is
3 located.

4 (6) "Person" means an individual, association, or
5 corporation.

6 (7) "Portable sign" means a sign designed to be mounted on a
7 trailer, bench, wheeled carrier, or other nonmotorized mobile
8 structure.

9 SECTION 3. SPACING REQUIREMENTS. (a) An off-premise sign
10 having a face area of 301 square feet or more may not be erected
11 within 1,000 feet of another sign on the same side of the roadway
12 having a face area of 301 square feet or more.

13 (b) An off-premise sign having a face area of at least 100
14 but less than 301 square feet may not be erected within 500 feet of
15 another sign on the same side of the roadway having a face area of
16 at least 100 but less than 301 square feet.

17 (c) An off-premise sign having a face area of less than 100
18 square feet may not be erected within 300 feet of another sign on
19 the same side of the roadway having a face area of less than 100
20 feet.

21 (d) For purposes of this section, each double-faced,
22 back-to-back, or V-type sign is treated as a single sign.

23 (e) Signs located at the same intersection are not in
24 violation of this section because of their nearness to one another
25 if they are located so that their messages are directed toward
26 traffic flowing in different directions.

27 SECTION 4. HEIGHT RESTRICTIONS. An on-premise or

1 off-premise sign may not be erected that exceeds an overall height
2 of 42-1/2 feet, excluding cutouts extending above the rectangular
3 border, measured from the highest point on the sign to the grade
4 level of the roadway from which the sign is to be viewed. A roof
5 sign having a tight or solid surface may not at any point exceed 24
6 feet above the roof level. Open roof signs in which the uniform
7 open area is not less than 40 percent of total gross area may be
8 erected to a height of 40 feet above the roof level. The lowest
9 point on a projecting sign must be at least 14 feet above grade.

10 SECTION 5. FACE RESTRICTIONS. An on-premise sign, other
11 than an on-premise wall sign, may not be erected that has a face
12 area exceeding 400 square feet, including cutouts but excluding
13 uprights, trim, and apron, or that has face dimensions that exceed
14 15 feet in height or 30 feet in width. An off-premise sign may not
15 be erected that has a face area exceeding 672 square feet,
16 excluding cutouts, uprights, trim, and apron. Neither an
17 on-premise nor an off-premise sign may have a cutout with an area
18 larger than 20 percent of the sign's surface copy area.

19 SECTION 6. DETERMINATION OF SIZE. For signs of a
20 double-faced, back-to-back, or V-type nature, each face is
21 considered a separate sign in computing the face area.

22 SECTION 7. WIND LOADS; LOCATION AND ANCHORING OF PORTABLE
23 SIGNS. (a) Each on-premise or off-premise sign erected or sited
24 must be designed to resist wind loads as follows:

1 WIND LOAD PRESSURES IN POUNDS

2 PER SQUARE FOOT FOR ALL SIGNS

3 Height, in feet

4 above ground, as

5 measured above the

6 average level of

7 the ground adjacent

8 to the structure

Pressure,

pounds per

square foot

9 0 - 30

20

10 31 - 50

25

11 51 - 99

35

12 100 - 199

45

13 200 - 299

50

14 300 - 399

55

15 400 - 500

60

16 501 - 800

70

17 Over 800

77

18 (b) Each on-premise or off-premise portable sign must be set
19 back from the nearest road right-of-way at least 25 feet and be
20 securely anchored to the ground by cables, ground supports, or
21 other means to prevent overturning in high winds. A person may not
22 place a portable sign on property of another without first
23 obtaining written permission from the owner or the owner's
24 authorized agent.

25 SECTION 8. NUMBER OF ON-PREMISE SIGNS. A business may not
26 maintain more than five on-premise signs at a single business
27 location.

1 SECTION 9. ADMINISTRATION OF ARTICLE; RULEMAKING. (a) The
2 commission shall administer and enforce this article and shall
3 adopt rules to regulate the erection or maintenance of signs
4 covered under this article. The commission shall adopt rules
5 specifying the time for and manner of applying for a permit, the
6 form of the permit application, and the information that must be
7 included in a permit application.

8 (b) The commission by rule may require every applicant for a
9 permit to file with the commission a surety bond or other security
10 in a reasonable amount and payable to the commission to reimburse
11 it for the cost of removing a sign unlawfully erected or maintained
12 by a permittee. A rule adopted under this section must provide for
13 exemption from the requirement of furnishing a bond or security for
14 an applicant who has held five or more permits under this article
15 for at least one year and has not violated this article or a rule
16 adopted under this article during the preceding 12-month period.

17 (c) The commission may revoke a permit issued under this
18 article if the permittee:

19 (1) violates any provision or requirement of this article;
20 or

21 (2) violates a commission rule adopted under this article.

22 (d) A person whose permit is revoked may appeal the
23 revocation to a district court in Travis County. The appeal must
24 be taken not later than the 15th day after the date of the
25 commission's action.

26 (e) The commission shall issue a permit to a person whose
27 application complies with the commission's rules and whose sign, if

erected, would comply with the requirements of this article.

SECTION 10. PERMIT FOR ERECTION OF SIGN. A person may not erect an off-premise sign that is visible from the main-travelled way of a rural road without having first obtained a permit from the department. The fee for issuance of a permit is \$25 for an original permit, which is valid for one year, and \$10 for each annual renewal.

SECTION 11. REPLACEMENT OR REPAIR OF SIGN. (a) When any sign, or a substantial part of it, is blown down or otherwise destroyed or taken down or removed for any purpose other than maintenance operations or for changing the letters, symbols, or other matter on the sign, it may not be reerected, reconstructed, or rebuilt except in full conformance with the provisions and requirements of this article.

(b) For purposes of Subsection (a) of this section, a sign or substantial part of it is considered to have been destroyed only if the cost of repairing the sign is more than 50 percent of the cost of erecting a new sign of the same type at the same location.

SECTION 12. EXEMPTIONS. (a) The following are exempt from this article:

(1) a sign erected before the effective date of this article;

(2) a sign that has as its purpose the protection of life and property;

(3) a directional or other official sign authorized by law, including a sign pertaining to natural wonders or scenic or historic attractions;

1 (4) a sign or marker giving information about the location
2 of underground electric transmission lines, telegraph or telephone
3 properties and facilities, pipelines, public sewers, or waterlines;

4 (5) a sign erected by an agency of the state or a political
5 subdivision of the state; and

6 (6) a sign erected solely for and relating to a public
7 election, but only if:

8 (A) the sign is on private property;

9 (B) the sign is erected no sooner than the 60th day before
10 the election and is removed no later than the 10th day after the
11 election;

12 (C) the sign is constructed of lightweight material; and

13 (D) the surface area of the sign is not larger than 50
14 square feet.

15 (b) The following are exempt from the requirements of
16 Section 5 of this article:

17 (1) signs advertising the sale or lease of property on which
18 they are located; and

19 (2) on-premise wall signs.

20 (c) The exemption provided by Subsection (a)(1) of this
21 section does not exempt a sign from Section 13 of this article to
22 the extent that section applies.

23 SECTION 13. EXISTING OFF-PREMISE SIGNS. Not later than the
24 60th day after the effective date of this article each owner of an
25 off-premise sign erected before the effective date of this article
26 that is visible from the main-travelled way of a rural road shall
27 either remove the sign or register the sign with the commission.

1 The owner must pay a fee of \$25 for each sign that is registered.
2 This registration is valid for one year, but is renewable for an
3 annual fee of \$10 a sign.

4 SECTION 14. CIVIL PENALTIES. (a) A person who
5 intentionally violates this article or a rule adopted by the
6 commission under this article is liable to the state for a civil
7 penalty. The attorney general or a county or district attorney may
8 sue to collect the penalty.

9 (b) The amount of the penalty is not less than \$150 nor more
10 than \$200 for each violation, depending on the seriousness of the
11 violation. A separate penalty may be collected for each day on
12 which a continuing violation occurs.

13 (c) If it is shown at the trial for collection of a civil
14 penalty under this section that a judgment for a civil penalty was
15 previously assessed against the person, in addition to any penalty
16 that may be assessed for the subsequent violation the court shall
17 order the revocation of any permit held by the person for the
18 location at which the subsequent violation occurred.

19 (d) Civil penalties collected under this article shall be
20 deposited in the state treasury to the credit of the state highway
21 fund.

22 SECTION 15. DISPOSITION OF FEES. All permit or registration
23 fees collected by the commission under this article shall be
24 deposited in the state treasury to the credit of the state highway
25 fund.

26 ARTICLE 3

27 SECTION 1. Section 3, Property Redevelopment and Tax

1 Abatement Act (Article 1066f, Vernon's Texas Civil Statutes), is
2 amended to read as follows:

3 Sec. 3. DESIGNATION OF REINVESTMENT ZONES. (a) To be
4 designated as a reinvestment zone, an area must:

5 (1) substantially impair or arrest the sound growth of a
6 city or town, retard the provision of housing accommodations, or
7 constitute an economic or social liability and be a menace to the
8 public health, safety, morals, or welfare in its present condition
9 and use by reason of the presence of a substantial number of
10 substandard, slum, deteriorated, or deteriorating structures;
11 predominance of defective or inadequate sidewalk or street layout;
12 faulty lot layout in relation to size, accessibility, or
13 usefulness; unsanitary or unsafe conditions; deterioration of site
14 or other improvements; tax or special assessment delinquency
15 exceeding the fair value of the land; defective or unusual
16 conditions of title; the existence of conditions that endanger life
17 or property by fire or other cause; or any combination of these
18 factors or conditions;

19 (2) be predominantly open and, because of obsolete platting
20 or deterioration of structures or site improvements, or other
21 factors, substantially impair or arrest the sound growth of the
22 city or town;

23 (3) be in a federally assisted new community located within
24 a home-rule city or in an area immediately adjacent to the
25 federally assisted new community;

26 (4) be located wholly within an area which meets the
27 requirements for federal assistance under Section 119 of the

1 Housing and Community Development Act of 1974; [e*]

2 (5) encompass signs, billboards, and other outdoor
3 advertising structures designated by the governing body of the
4 incorporated city or town for relocation, reconstruction, or
5 removal for the purpose of enhancing the physical environment of
6 the city or town, which the legislature hereby declares to be a
7 public purpose; or

8 (6) be designated a local or state-federal enterprise zone
9 under the Texas Enterprise Zone Act.

10 (b) For the purposes of Subdivision (3) of Subsection (a) of
11 this section, a federally assisted new community is a federally
12 assisted area that received or will receive assistance in the form
13 of loan guarantees under Title X of the National Housing Act and a
14 portion of the federally assisted area has received grants under
15 Section 107(a)(1) of the Housing and Community Development Act of
16 1974.

17 (c) The governing body of an incorporated city or town may
18 designate, by boundaries, as a reinvestment zone any area, or real
19 or personal property whose use is directly related to the business
20 of outdoor advertising, within the taxing jurisdiction of the city
21 or town that the governing body finds to satisfy the requirements
22 of Subsection (a) of this section, subject to the limitations set
23 forth by Section 4 of this Act. The governing body of an
24 incorporated city or town shall designate a reinvestment zone
25 eligible for residential property tax abatement, or
26 commercial-industrial tax abatement, or tax incentive financing as
27 provided for in the Texas Tax Increment Financing Act of 1981

1 (Article 1066e, Vernon's Texas Civil Statutes) [S.B. - No. -167-67th
2 Legislature, -1st-Called-Session, -1981].

3 ARTICLE 4

4 SECTION 1. EFFECTIVE DATE. This Act takes effect September
5 1, 1985.

6 SECTION 2. EFFECT OF PARTIAL INVALIDITY. (a) The
7 legislature declares that it would not have enacted this Act
8 without the inclusion of Section 3(a) of Article 1, to the extent
9 that provision excludes modes of compensation not specifically
10 authorized by that provision. If this exclusion of alternative
11 modes of compensation is for any reason held invalid by a final
12 judgment of a court of competent jurisdiction, the remainder of
13 this Act is void.

14 (b) Except as provided by Subsection (a) of this section,
15 this Act is severable as provided by Chapter 45, Acts of the 63rd
16 Legislature, Regular Session, 1973 (Article 11a, Vernon's Texas
17 Civil Statutes).

18 SECTION 3. COURT-APPROVED SETTLEMENT. Nothing in this Act
19 affects a court-approved settlement entered into before the
20 effective date of this Act in any litigation in a court of the
21 United States involving the validity of municipal regulation of
22 signs. To the extent a provision of this Act conflicts with the
23 terms of such a settlement, the terms of the settlement prevail.

24 SECTION 4. EMERGENCY. The importance of this legislation
25 and the crowded condition of the calendars in both houses create an
26 emergency and an imperative public necessity that the
27 constitutional rule requiring bills to be read on three several

1 days in each house be suspended, and this rule is hereby suspended.

HOUSE COMMITTEE REPORT

1st Printing

By Messer, et al.

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(c) For a sign that is required to be relocated, compensable costs include the expenses of dismantling the sign, transporting it to another site, and reerecting it, and the decrease in value of the property on which the sign was located, determined according to the standards and procedures applicable in a proceeding under

1 Chapter 21, Property Code. In addition, the municipality shall
2 issue to the owner an appropriate permit or other authority to
3 operate at an alternative site of substantially equivalent value a
4 substitute sign of the same type and compensate the owner for any
5 increased operating costs (including increased rent) at the new
6 location. The owner is responsible for designating the alternative
7 site. Whether an alternative site is of substantially equivalent
8 value is determined by standards generally accepted in the outdoor
9 advertising industry, including visibility, traffic count, and
10 demographic factors.

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12 compensable costs include expenses of labor and materials and any
13 loss in the value of the sign because of the reconstruction,
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15 proceeding under Chapter 21, Property Code.

16 (e) For a sign that is required to be removed, compensable
17 costs include the cash value of the sign and the decrease in the
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6 feet above the roof level. Open roof signs in which the uniform
7 open area is not less than 40 percent of total gross area may be
8 erected to a height of 40 feet above the roof level. The lowest
9 point on a projecting sign must be at least 14 feet above grade.

10 SECTION 5. FACE RESTRICTIONS. An on-premise sign, other
11 than an on-premise wall sign, may not be erected that has a face
12 area exceeding 400 square feet, including cutouts but excluding
13 uprights, trim, and apron, or that has face dimensions that exceed
14 15 feet in height or 30 feet in width. An off-premise sign may not
15 be erected that has a face area exceeding 672 square feet,
16 excluding cutouts, uprights, trim, and apron. Neither an
17 on-premise nor an off-premise sign may have a cutout with an area
18 larger than 20 percent of the sign's surface copy area.

19 SECTION 6. DETERMINATION OF SIZE. For signs of a
20 double-faced, back-to-back, or V-type nature, each face is
21 considered a separate sign in computing the face area.

22 SECTION 7. WIND LOADS; LOCATION AND ANCHORING OF PORTABLE
23 SIGNS. (a) Each on-premise or off-premise sign erected or sited
24 must be designed to resist wind loads as follows:

WIND LOAD PRESSURES IN POUNDS

PER SQUARE FOOT FOR ALL SIGNS

Height, in feet

above ground, as

measured above the

average level of

the ground adjacent

to the structure

Pressure,

pounds per

square foot

0 - 30

20

31 - 50

25

51 - 99

35

100 - 199

45

200 - 299

50

300 - 399

55

400 - 500

60

501 - 800

70

Over 800

77

(b) Each on-premise or off-premise portable sign must be set back from the nearest road right-of-way at least 25 feet and be securely anchored to the ground by cables, ground supports, or other means to prevent overturning in high winds. A person may not place a portable sign on property of another without first obtaining written permission from the owner or the owner's authorized agent.

SECTION 8. NUMBER OF ON-PREMISE SIGNS. A business may not maintain more than five on-premise signs at a single business location.

1 SECTION 9. ADMINISTRATION OF ARTICLE; RULEMAKING. (a) The
2 commission shall administer and enforce this article and shall
3 adopt rules to regulate the erection or maintenance of signs
4 covered under this article. The commission shall adopt rules
5 specifying the time for and manner of applying for a permit, the
6 form of the permit application, and the information that must be
7 included in a permit application.

8 (b) The commission by rule may require every applicant for a
9 permit to file with the commission a surety bond or other security
10 in a reasonable amount and payable to the commission to reimburse
11 it for the cost of removing a sign unlawfully erected or maintained
12 by a permittee. A rule adopted under this section must provide for
13 exemption from the requirement of furnishing a bond or security for
14 an applicant who has held five or more permits under this article
15 for at least one year and has not violated this article or a rule
16 adopted under this article during the preceding 12-month period.

17 (c) The commission may revoke a permit issued under this
18 article if the permittee:

19 (1) violates any provision or requirement of this article;
20 or

21 (2) violates a commission rule adopted under this article.

22 (d) A person whose permit is revoked may appeal the
23 revocation to a district court in Travis County. The appeal must
24 be taken not later than the 15th day after the date of the
25 commission's action.

26 (e) The commission shall issue a permit to a person whose
27 application complies with the commission's rules and whose sign, if

erected, would comply with the requirements of this article.

SECTION 10. PERMIT FOR ERECTION OF SIGN. A person may not erect an off-premise sign that is visible from the main-travelled way of a rural road without having first obtained a permit from the department. The fee for issuance of a permit is \$25 for an original permit, which is valid for one year, and \$10 for each annual renewal.

SECTION 11. REPLACEMENT OR REPAIR OF SIGN. (a) When any sign, or a substantial part of it, is blown down or otherwise destroyed or taken down or removed for any purpose other than maintenance operations or for changing the letters, symbols, or other matter on the sign, it may not be reerected, reconstructed, or rebuilt except in full conformance with the provisions and requirements of this article.

(b) For purposes of Subsection (a) of this section, a sign or substantial part of it is considered to have been destroyed only if the cost of repairing the sign is more than 50 percent of the cost of erecting a new sign of the same type at the same location.

SECTION 12. EXEMPTIONS. (a) The following are exempt from this article:

(1) a sign erected before the effective date of this article;

(2) a sign that has as its purpose the protection of life and property;

(3) a directional or other official sign authorized by law, including a sign pertaining to natural wonders or scenic or historic attractions;

1 (4) a sign or marker giving information about the location
2 of underground electric transmission lines, telegraph or telephone
3 properties and facilities, pipelines, public sewers, or waterlines;

4 (5) a sign erected by an agency of the state or a political
5 subdivision of the state; and

6 (6) a sign erected solely for and relating to a public
7 election, but only if:

8 (A) the sign is on private property;

9 (B) the sign is erected no sooner than the 60th day before
10 the election and is removed no later than the 10th day after the
11 election;

12 (C) the sign is constructed of lightweight material; and

13 (D) the surface area of the sign is not larger than 50
14 square feet.

15 (b) The following are exempt from the requirements of
16 Section 5 of this article:

17 (1) signs advertising the sale or lease of property on which
18 they are located; and

19 (2) on-premise wall signs.

20 (c) The exemption provided by Subsection (a)(1) of this
21 section does not exempt a sign from Section 13 of this article to
22 the extent that section applies.

23 SECTION 13. EXISTING OFF-PREMISE SIGNS. Not later than the
24 60th day after the effective date of this article each owner of an
25 off-premise sign erected before the effective date of this article
26 that is visible from the main-travelled way of a rural road shall
27 either remove the sign or register the sign with the commission.

1 The owner must pay a fee of \$25 for each sign that is registered.
2 This registration is valid for one year, but is renewable for an
3 annual fee of \$10 a sign.

4 SECTION 14. CIVIL PENALTIES. (a) A person who
5 intentionally violates this article or a rule adopted by the
6 commission under this article is liable to the state for a civil
7 penalty. The attorney general or a county or district attorney may
8 sue to collect the penalty.

9 (b) The amount of the penalty is not less than \$150 nor more
10 than \$200 for each violation, depending on the seriousness of the
11 violation. A separate penalty may be collected for each day on
12 which a continuing violation occurs.

13 (c) If it is shown at the trial for collection of a civil
14 penalty under this section that a judgment for a civil penalty was
15 previously assessed against the person, in addition to any penalty
16 that may be assessed for the subsequent violation the court shall
17 order the revocation of any permit held by the person for the
18 location at which the subsequent violation occurred.

19 (d) Civil penalties collected under this article shall be
20 deposited in the state treasury to the credit of the state highway
21 fund.

22 SECTION 15. DISPOSITION OF FEES. All permit or registration
23 fees collected by the commission under this article shall be
24 deposited in the state treasury to the credit of the state highway
25 fund.

26 ARTICLE 3

27 SECTION 1. Section 3, Property Redevelopment and Tax

1 Abatement Act (Article 1066f, Vernon's Texas Civil Statutes), is
2 amended to read as follows:

3 Sec. 3. DESIGNATION OF REINVESTMENT ZONES. (a) To be
4 designated as a reinvestment zone, an area must:

5 (1) substantially impair or arrest the sound growth of a
6 city or town, retard the provision of housing accommodations, or
7 constitute an economic or social liability and be a menace to the
8 public health, safety, morals, or welfare in its present condition
9 and use by reason of the presence of a substantial number of
10 substandard, slum, deteriorated, or deteriorating structures;
11 predominance of defective or inadequate sidewalk or street layout;
12 faulty lot layout in relation to size, accessibility, or
13 usefulness; unsanitary or unsafe conditions; deterioration of site
14 or other improvements; tax or special assessment delinquency
15 exceeding the fair value of the land; defective or unusual
16 conditions of title; the existence of conditions that endanger life
17 or property by fire or other cause; or any combination of these
18 factors or conditions;

19 (2) be predominantly open and, because of obsolete platting
20 or deterioration of structures or site improvements, or other
21 factors, substantially impair or arrest the sound growth of the
22 city or town;

23 (3) be in a federally assisted new community located within
24 a home-rule city or in an area immediately adjacent to the
25 federally assisted new community;

26 (4) be located wholly within an area which meets the
27 requirements for federal assistance under Section 119 of the

1 Housing and Community Development Act of 1974; [er]

2 (5) encompass signs, billboards, and other outdoor
3 advertising structures designated by the governing body of the
4 incorporated city or town for relocation, reconstruction, or
5 removal for the purpose of enhancing the physical environment of
6 the city or town, which the legislature hereby declares to be a
7 public purpose; or

8 (6) be designated a local or state-federal enterprise zone
9 under the Texas Enterprise Zone Act.

10 (b) For the purposes of Subdivision (3) of Subsection (a) of
11 this section, a federally assisted new community is a federally
12 assisted area that received or will receive assistance in the form
13 of loan guarantees under Title X of the National Housing Act and a
14 portion of the federally assisted area has received grants under
15 Section 107(a)(1) of the Housing and Community Development Act of
16 1974.

17 (c) The governing body of an incorporated city or town may
18 designate, by boundaries, as a reinvestment zone any area, or real
19 or personal property whose use is directly related to the business
20 of outdoor advertising, within the taxing jurisdiction of the city
21 or town that the governing body finds to satisfy the requirements
22 of Subsection (a) of this section, subject to the limitations set
23 forth by Section 4 of this Act. The governing body of an
24 incorporated city or town shall designate a reinvestment zone
25 eligible for residential property tax abatement, or
26 commercial-industrial tax abatement, or tax incentive financing as
27 provided for in the Texas Tax Increment Financing Act of 1981

1 (Article 1066e, Vernon's Texas Civil Statutes) [S-B-~~No-~~167-67th
2 Legislature, 1st-Called-Session, 1981].

3 ARTICLE 4

4 SECTION 1. EFFECTIVE DATE. This Act takes effect September
5 1, 1985.

6 SECTION 2. EFFECT OF PARTIAL INVALIDITY. (a) The
7 legislature declares that it would not have enacted this Act
8 without the inclusion of Section 3(a) of Article 1, to the extent
9 that provision excludes modes of compensation not specifically
10 authorized by that provision. If this exclusion of alternative
11 modes of compensation is for any reason held invalid by a final
12 judgment of a court of competent jurisdiction, the remainder of
13 this Act is void.

14 (b) Except as provided by Subsection (a) of this section,
15 this Act is severable as provided by Chapter 45, Acts of the 63rd
16 Legislature, Regular Session, 1973 (Article 11a, Vernon's Texas
17 Civil Statutes).

18 SECTION 3. COURT-APPROVED SETTLEMENT. Nothing in this Act
19 affects a court-approved settlement entered into before the
20 effective date of this Act in any litigation in a court of the
21 United States involving the validity of municipal regulation of
22 signs. To the extent a provision of this Act conflicts with the
23 terms of such a settlement, the terms of the settlement prevail.

24 SECTION 4. EMERGENCY. The importance of this legislation
25 and the crowded condition of the calendars in both houses create an
26 emergency and an imperative public necessity that the
27 constitutional rule requiring bills to be read on three several

H.B. No. 1330

1 days in each house be suspended, and this rule is hereby suspended.

COMMITTEE AMENDMENT NO. 1

Amend House Bill 1330, Article 1, Section 3(b) as follows:

On page 3, line 8, delete the words "reinvestment zone" and substitute in lieu thereof "taxing jurisdiction".

Gavin

COMMITTEE AMENDMENT NO. 2

Amend House Bill 1330, Article 1, Section 4 as follows:

On page 4, line 27, delete the words "50 percent" and in lieu thereof add the words "60 percent."

Gavin

COMMITTEE AMENDMENT NO. 3

Amend House Bill 1330, Article 1, on page 6, lines 9 through 20 shall be amended to read as follows:

Section 3. Spacing Requirements.

(a) An off premise sign having a face area of 301 square feet or more may not be erected within 1500 feet of another off premise sign on the same side of the roadway.

(b) An off premise sign having a face area of at least 100 but less than 301 square feet may not be erected within 500 feet of another off premise sign on the same side of the roadway.

(c) An off premise sign having a face area of less than 100 square feet may not be erected within 300 feet of another off premise sign on the same side of the roadway.

Gavin

COMMITTEE AMENDMENT NO. 4

Amend House Bill 1330, Article 2, by adding a new Subsection (f) to Section 9 to read as follows:

1 (f) Board of Variance.

2 The Commission shall provide for a Board of Variance which
3 may in appropriate cases and subject to appropriate conditions and
4 safeguards, make special exceptions to the provisions of this
5 article.

6 Gavin

7 COMMITTEE AMENDMENT NO. 5

8 Amend House Bill 1330, Article 2, Section 10 as follows:

9 On page 10, line 7, add the following sentence:

10 "Except as authorized pursuant to this Act, no permit may be
11 issued for an off premise sign, unless such sign is to be located
12 within 800 feet of one or more recognized commercial or industrial
13 business activities and located on the same side of the roadway as
14 such business.

15 Gavin

16 COMMITTEE AMENDMENT NO. 6

17 Amend House Bill 1330, Article 2, Section 13 as follows:

18 On page 11, line 24, strike the word "60th" and in lieu
19 thereof add the word "120th".

20 Gavin

21 COMMITTEE AMENDMENT NO. 7

22 Amend House Bill 1330, Article 2, Section 13 as follows:

23 On page 12, line 3, after the word "sign." add the following:
24 , provided however, the Commission may by regulation provide
25 for a longer renewal period not to exceed five years."

26 Gavin

H.B. No. 1330

COMMITTEE AMENDMENT NO. 8

Amend H.B. 1330 on page 10, line 21 by deleting "erected" and substituting "in existence".

P. Hill of Dallas

COMMITTEE AMENDMENT NO. 9

Amend H.B. 1330 as follows:

Page 3, delete line 27 through page 4 line 6.

P. Hill of Dallas

COMMITTEE AMENDMENT NO. 10

Amend H.B. 1330 on page 12, line 10, by deleting "\$200.00" and substitute "\$1,000.00".

P. Hill of Dallas

COMMITTEE AMENDMENT NO. 11

Amend H.B. 1330 Article 2 by adding a new Section 9A to read as follows:

"9A Regulation in City Extraterritorial Jurisdiction. Any municipality may extend the provisions of its outdoor sign regulatory ordinance and enforce such ordinance within its area of extraterritorial jurisdiction as otherwise provided by law. However, any municipality, in lieu of such regulatory ordinances, may allow the commission to regulate outdoor signs in said city's extraterritorial jurisdiction by filing a written notice with the commission."

Smith of Brazos

COMMITTEE AMENDMENT NO. 12

Amend H.B. 1330, Article 1 Section 3, Subsection (b) as follows:

On page 3, line 8 add the following sentence:

"In any municipality where tax abatement is utilized in order to pay compensable costs, such costs shall include reasonable interest and such abatement period shall not exceed five years."

Messer

COMMITTEE AMENDMENT NO. 13

Amend H.B. 1330 as follows:

(1) On page 10, strike the sentence beginning on line 5 and substitute the following:

A permit issued under this section is valid for one year. The commission by rule shall prescribe fees for the issuance of permits in amounts determined by the commission to be sufficient to enable the commission to recover the costs of enforcement of this article. Fees collected under this section shall be deposited in the state treasury and may be used only for the enforcement of this article.

(2) On page 12, line 22, strike "All" and substitute "Except as provided by Section 10 of this article,".

P. Hill of Dallas

COMMITTEE AMENDMENT NO. 14

Amend H.B. 1330 as follows:

(1) On page 12, line 4, insert "AND ADMINISTRATIVE" between "CIVIL" and "PENALTIES".

(2) On page 12, line 9, insert "civil" between "the" and "penalty".

(3) On page 12, line 10, strike "\$200" and substitute "\$1,000".

(4) On page 12, line 11, insert "civil" between "separate" and "penalty".

(5) On page 12, insert a new Subsection (c) to read as follows between lines 12 and 13 and reletter current Subsections (c) and (d) appropriately:

(c) In lieu of a suit to collect a civil penalty, the commission may, after notice and an opportunity for hearing before the commission, assess an administrative penalty against a person who intentionally violates this article or a rule adopted by the commission under this article. The amount of an administrative penalty may not exceed the maximum amount of a civil penalty under this section. A continuing violation is subject to separate administrative penalties in the same manner as it is subject to separate civil penalties. A proceeding on the assessment of an administrative penalty under this subsection is a contested case for purposes of the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes). On appeal of the assessment of an administrative penalty under this subsection, the manner of review is by trial de novo.

(6) On page 12, strike line 14 and substitute the following: "penalty under this section or on appeal of an administrative penalty under this section that a judgment for a civil penalty, or a final order, not timely appealed, of or a judgment for an administrative penalty, was"

(7) On page 12, line 19, insert "and administrative" between "Civil" and "penalties".

P. Hill of Dallas

H.B. No. 1330

COMMITTEE AMENDMENT NO. 15

Amend H.B. 1330 at page 8 by deleting lines 18 through line 21, up to and including the words "high winds" on line 21.

Riley

COMMITTEE REPORT

The Honorable Gib Lewis
Speaker of the House of Representatives

4/1/85
(date)

Sir:

We, your COMMITTEE ON STATE AFFAIRS, to whom was referred HB1330 have had the same under consideration and beg to report back with the recommendation that it (measure)

- () do pass, without amendment.
- ☒ do pass, with amendment(s).
- () do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. ☒ yes () no An actuarial analysis was requested. () yes ☒ no

An author's fiscal statement was requested. () yes ☒ no

~~The Committee recommends that this measure be placed on the (Local) or (Consent) Calendar.~~

This measure ☒ proposes new law. ☒ amends existing law.

House Sponsor of Senate Measure _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Laney, Ch.			<input checked="" type="checkbox"/>	
Hill, P., V.C.		<input checked="" type="checkbox"/>		
Stiles, C.B.O.	<input checked="" type="checkbox"/>			
Cain		<input checked="" type="checkbox"/>		
Gavin	<input checked="" type="checkbox"/>			
Gilley	<input checked="" type="checkbox"/>			
Guerrero	<input checked="" type="checkbox"/>			
Keller	<input checked="" type="checkbox"/>			
Messer	<input checked="" type="checkbox"/>			
Perez				<input checked="" type="checkbox"/>
Riley	<input checked="" type="checkbox"/>			
Smith, R.	<input checked="" type="checkbox"/>			
Thompson, G. of Abilene	<input checked="" type="checkbox"/>			

Total
9 aye
2 nay
1 present, not voting
1 absent

[Signature]
CHAIRMAN
Laura Culp
COMMITTEE COORDINATOR

By: Messer

Bill Analysis

Background Information

Currently, both federal and state governments must compensate the owners of outdoor advertising and the owners of the land on which the advertising is placed, in the case that such advertising is made illegal. Relevant practices differ in cities and other political subdivisions of this state.

Purpose

To prohibit a city or political subdivision from requiring the removal of outdoor advertising, or the reconstruction or relocation of same, if that structure complied with applicable law when erected, unless that political subdivision pays the owner just compensation. Compensation shall also be made to the owner of the real property where the advertising is located, if appropriate.

Synopsis

This bill does nothing that may be construed to limit the authority of a municipality to regulate signs within its corporate limits. Provides for compensation of a sign owner by tax abatement, issuance of revenue bonds, cash payment. Compensation shall also be made to owners of the real property on which the sign is located, if applicable. Signs erected in violation of an ordinance are not covered by the act.

Provisions are made for the regulation of outdoor signs outside of corporate limits by the State Highway and Public Transportation Commission, with respect to height, spacing, face restrictions, wind load and number of on premise signs.

The Commission is allowed to make rules to administer and enforce the article dealing with signs outside corporate limits. Provisions are made for permitting and replacement of signs. Certain types of signs are exempted. Penalties.

To be designated a reinvestment zone, an area must, encompass signs billboards or other signs designated for enhancement or removal. Areas directly related to the business of outdoor advertising may be designated as a reinvestment zone eligible for tax abatement.

Invalidation of the means of compensation under this act by a court shall invalidate this act. Nothing in this act shall affect a court approved settlement entered into before the effective date of this act.

Rulemaking Authority.

Specific rulemaking authority is delegated to the Texas Department of Highways and Public Transportation with respect to the regulation of signs outside corporate limits.

Summary of Committee Action

Public notice was posted in accordance with the rules of the House and a public hearing was held on March 25, 1985.

The bill was referred to a subcommittee consisting of the following members: Stiles; Gavin; P. Hill; Gilley; R. Smith. On March 28, 1985 the measure was reported to the full committee with amendments 1 through 10:

- 1) allows right to tax abatement to be assigned, by the holder, to any non-residential property in the taxing jurisdiction. This assignment was limited to the reinvestment zone.
- 2) a sign is considered destroyed if the cost of repair is more than 60% of the cost of erecting a new sign. Was 50%.
- 3) spacing requirements: 301 sq. ft. face 1500 ft.; 100-301 sq. ft. face 500 ft.; and less than 100 sq. ft. face 300ft.
- 4) requires the Commission to provide for a Board of Variance to make special exceptions to Article 2.
- 5) Prohibits the erection of a sign in a rural area unless the sign is to be located within 800 ft of a business and on the same side of the roadway.
- 6) allows 120 days rather than 60 days for removal after the effective date of Article 2, H.B. 1330
- 7) Allows the commission to provide for longer renewal periods not to exceed five years.
- 8) substitutes "In existence" for "erected". a technical clarification
- 9) the section allowing an owner to designate for retention a number of signs equal to those ordered removed is deleted.
- 10) raises the maximum penalty from \$200 to \$1000 for violation of Article 2 or the rules of the Commission.

On April 1, 1985 the full committee voted to report H.B. 1330 to the House, with amendments and with the recommendation that it do pass by a record vote of 9 ayes, 2 nays, 1 PNV and 1 absent.

The full committee added the following amendments 11 through 15.

- 11) Cities with a sign ordinance are allowed to extend and enforce that ordinance in its extraterritorial jurisdiction.
- 12) when tax abatement is used as compensation the abatement period shall not exceed five years and shall include reasonable interest.
- 13) permits for a sign erection are valid for one year. The set fees are deleted and the commission is empowered to set fees. Fees are to be deposited to the treasury and used for the enforcement of Article 2.
- 14) adjusting civil and administrative penalties. Enforcement of civil and administrative penalties.
- 15) deletes the clause referring to high wind requirements for portable signs.

The following persons appeared to testify on H.B. 1330:

The chair called A. Starke Taylor, Jr., Mayor, representing the City of Dallas, to testify against the bill.

The chair recognized Analeslie Muncy, representing the City of Dallas, to testify against the bill.

The chair recognized Mark Bishop, representing the Houston Chamber of Commerce, to testify against the bill.

The chair called Bryghte Godbold, representing the Texas Society of Architects, to testify against the bill.

The chair called Carrol Shaddock, representing Billboards Limited, to testify against the bill.

The chair called Sally Buchanan, representing the San Antonio Coalition of neighborhoods, to testify against the bill.

The chair called Martha Clifton McNeel, representing the San Antonio Conservation Society, to testify against the bill.

The chair recognized Jon Lindsay, Harris County Judge, representing himself, to testify against the bill.

The chair recognized Robert B. Lee, representing himself and the Outdoor Advertising Association of Texas, to testify in favor of the bill.

The chair recognized Joe D. Gunn, representing the members of the AFL-CIO and other workers, to testify in favor of the bill.

The chair recognized Richie Jackson, representing the Texas Restaurant Association, to testify in favor of the bill.

The chair recognized Warlick Carr, representing Lubbock Outdoor, Inc. and Lubbock Poster Co., to testify in favor of the bill.

The chair recognized Bill Barton, representing the Texas Railroad Association, to testify in favor of the bill.

The chair recognized Dick Ingram, representing the Harris County Outdoor Advertising Association, to testify in favor of the bill.

The chair recognized John Goodner, Councilman, representing the City of Houston, to testify against the bill.

The chair recognized Alan Henry, Mayor, representing the City of Lubbock, to testify against the bill.

The chair recognized E.V. Ridlehuber, Mayor, representing the City of Plainview and the Texas Municipal League, to testify against the bill.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 4, 1985

Honorable Pete Laney, Chair
Committee on State Affairs
House of Representatives
Austin, Texas

In Re: House Bill No. 1330,
as amended
By: Messer

Sir:

In response to your request for a Fiscal Note on House Bill No. 1330, as amended (relating to state and local regulation of outdoor signs) this office has determined the following:

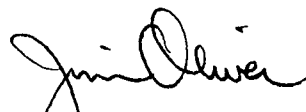
The bill would require those cities which regulate outdoor sign location through an amortization period to compensate sign owners retroactively for costs associated with relocation, reconstruction, or removal of signs. Nine cities currently enforce amortization periods for sign removal at the end of which a sign owner must meet city specifications at his own expense. The cost of this bill to these cities is not known but is expected to be significant. Houston officials anticipate a possible \$60 million cost for removal of its nonconforming outdoor signs.

The bill would also authorize the State Department of Highways and Public Transportation to control and issue sign permits and renewals on all state and state political subdivision roads. Currently, the department only issues permits on interstate and federal aid primary roads and does not require renewal of permits.

The probable fiscal implication of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Administrative Cost Out of the State Highway Fund</u>	<u>Probable Revenue Gain to the State Highway Fund</u>	<u>Change in Number of State Employees from FY 1985</u>
1986	\$776,364	\$776,364	+ 24
1987	776,364	776,364	+ 24
1988	776,364	776,364	+ 24
1989	776,364	776,364	+ 24
1990	776,364	776,364	+ 24

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.


Jim Oliver
Director

Source: Department of Highways and Public Transportation;
Comptroller of Public Accounts; Texas Municipal
League; LBB Staff: JO, JH, AL, LV

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 24, 1985

Honorable Pete Laney, Chair
Committee on State Affairs
House of Representatives
Austin, Texas

In Re: House Bill No. 1330
By: Messer

Sir:

In response to your request for a Fiscal Note on House Bill No. 1330 (relating to state and local regulation of outdoor signs) this office has determined the following:

The bill would require those cities which regulate outdoor sign location through an amortization period to compensate sign owners retroactively for costs associated with relocation, reconstruction, or removal of signs. Nine cities currently enforce amortization periods for sign removal at the end of which a sign owner must meet city specifications at his own expense. The cost of this bill to these cities is not known but is expected to be significant. Houston officials anticipate a possible \$60 million cost for removal of its nonconforming outdoor signs.

The bill would also authorize the State Department of Highways and Public Transportation to control and issue sign permits and renewals on all state and state political subdivision roads. Currently, the department only issues permits on interstate and federal aid primary roads and does not require renewal of permits.

The probable fiscal implication of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Administrative Cost Out of the State Highway Fund</u>	<u>Probable Revenue Gain to the State Highway Fund</u>	<u>Change in Number of State Employees from FY 1985</u>
1986	\$776,364	\$250,000	+ 24
1987	776,364	107,500	+ 24
1988	776,364	107,500	+ 24
1989	776,364	107,500	+ 24
1990	776,364	107,500	+ 24

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.


Jim Oliver
Director

Source: Department of Highways and Public Transportation;
Comptroller of Public Accounts; Texas Municipal
League; LBB Staff: JO, JH, AL, BL

69FHB1330

COMMITTEE AMENDMENT NO. ①

By Gavin

Amend House Bill 1330, Article 1, Section 3 (b) as follows:

On page 3, line 8, delete the words "reinvestment zone" and substitute in lieu thereof "taxing jurisdiction".

ADOPTED

¹⁹⁸⁵
APR 23 1985

Betty Murray
Chief Clerk
House of Representatives

COMMITTEE AMENDMENT NO.

2

By

Gavin

Amend House Bill 1330, Article 1, Section 4 as follows:

On page 4, line 27, delete the words "50 percent" and in lieu thereof add the words "60 percent."

ADOPTED

^{me}
APR 23 1985

Betty Murray
Chief Clerk
House of Representatives

COMMITTEE AMENDMENT NO. 3

By Barn

Amend House Bill 1330, Article 1, on page 6, lines 9 through 20 shall be amended to read as follows:

Section 3. Spacing Requirements.

- INSERT 1*
- (a) An off-premise sign having a face area of 301 square feet or more may not be erected within ~~300~~ ^{1,500} feet of another off-premise sign on the same side of the roadway.
 - (b) An off-premise sign having a face area of at least 100 but less than 301 square feet may not be erected within 500 feet of another off-premise sign on the same side of the roadway.
 - (c) An off-premise sign having a face area of less than 100 square feet may not be erected within 300 feet of another off-premise sign on the same side of the roadway.

ADOPTED

may
APR 23 1985

Betty Murray
Chief Clerk
House of Representatives

COMMITTEE AMENDMENT NO.

4

By

Gavin

Amend House Bill 1330, Article 2, by adding a new Subsection (f) to Section 9 to read as follows:

(((INSERT
2)))

thead stuff
(f) Board of Variance.

The Commission shall provide for a Board of Variance which may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the provisions of this article.

ADOPTED

APR 23 1985

Betty Murray
Chief Clerk
House of Representatives

COMMITTEE AMENDMENT NO.

5

By

Gavin

Amend House Bill 1330, Article 2, Section 10 as follows:

On page 10, line 7, add the following sentence:

Except as authorized pursuant to this Act, no permit may be issued for an off-premise sign unless such sign is to be located within 800 feet of one or more recognized commercial or industrial business activities and located on the same side of the roadway as such business.

ADOPTED

APR 23 1985

Betty Murray
Chief Clerk
House of Representatives

COMMITTEE AMENDMENT NO.

76

By

Gavin

Amend House Bill 1330, Article 2, Section 13 as follows:

On page 11, line 24, strike the word "60th" and in lieu thereof add the word "120th"

ADOPTED

APR 23 1985

Betty Murray
Chief Clerk
House of Representatives

COMMITTEE AMENDMENT NO.

87

By

Gavin

Amend House Bill 1330, Article 2, Section 13 as follows:

On page 12, line 3, after the word "sign." add the following:

, provided however, the Commission may by regulation provide for a longer renewal period not to exceed five years.

ADOPTED

APR 23 1985

Betty Mussey
Chief Clerk
House of Representatives

Committee
Amendment No.

8

By

P. Hill

Amend H. B. 1330 on p. 10, line 21 by deleting "erected" and substituting
"in existence".

ADOPTED

APR 23 1985

Betty Murray
Chief Clerk
House of Representatives

Committee
Amendment No.

9

By: Patricia Hill

H.B. 1330

P Hill

AMENDMENT

1

2

Amend H.B. 1330 as follows:

3

Page 3, delete line 27 through page 4 line 6.

ADOPTED

may
APR 23 1985

W. M. Murray
Chief Clerk
House of Representatives

Committee
Amendment No.

10

By

P. H. W.

Amend H. B. 1330 on page 12, line 10, be deleting "\$200.00"
and substitute "\$1,000.00".

ADOPTED

mig
APR 23 1985

Betty Murray
Chief Clerk
House of Representatives

COMMITTEE AMENDMENT NO.

11

BY

R. Smith

Amend H.B. 1330 Article 2 by adding a new Section 9A to read as follows:

SECTION 9A. Regulation in City Extraterritorial Jurisdiction. Any municipality may extend the provisions of its outdoor sign regulatory ordinance and enforce such ordinance within its area of extraterritorial jurisdiction as otherwise provided by law. However, any municipality, in lieu of such regulatory ordinances, may allow the commission to regulate outdoor signs in said city's extraterritorial jurisdiction by filing a written notice with the commission.

ADOPTED

APR 23 1985

Betty Mursey
Chief Clerk
House of Representatives

COMMITTEE AMENDMENT NO.

12

BY

Memo

Amend H.B. 1330, Article 1 Section 3, Subsection (b) as follows:

On page 3, line 8 add the following sentence:

11/11/85
6111
"In any municipality where tax abatement is utilized in order to pay compensable costs, such costs shall include reasonable interest and such abatement period shall not exceed five years."

ADOPTED

APR 23 1985

Betty Murray
Chief Clerk
House of Representatives

By: P. Hall

Amend H.B. No. 1330 as follows:

IN REPLY 7

(1) On page 10, strike the sentence beginning on line 5 and substitute the following:

A permit issued under this section is valid for one year. The commission by rule shall prescribe fees for the issuance of permits in amounts determined by the commission to be sufficient to enable the commission to recover the costs of enforcement of this article. Fees collected under this section shall be deposited in the state treasury and may be used only for the enforcement of this article.

(2) On page 12, line 22, strike "All" and substitute "Except as provided by Section 10 of this article,".

ADOPTED

APR 23 1985

Betty Murray
Chief Clerk
House of Representatives

By: P. Hill

Amend H.B. No. 1330 as follows:

(1) On page 12, line 4, insert "AND ADMINISTRATIVE" between "CIVIL" and "PENALTIES".

(2) On page 12, line 9, insert "civil" between "the" and "penalty".

(3) On page 12, line 10, strike "\$200" and substitute "\$1,000".

(4) On page 12, line 11, insert "civil" between "separate" and "penalty".

(5) On page 12, insert a new Subsection (c) to read as follows between lines 12 and 13 and reletter current Subsections (c) and (d) appropriately:

(c) In lieu of a suit to collect a civil penalty, the commission may, after notice and an opportunity for hearing before the commission, assess an administrative penalty against a person who intentionally violates this article or a rule adopted by the commission under this article. The amount of an administrative penalty may not exceed the maximum amount of a civil penalty under this section. A continuing violation is subject to separate administrative penalties in the same manner as it is subject to separate civil penalties. A proceeding on the assessment of an administrative penalty under this subsection is a contested case for purposes of the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes). On appeal of the assessment of an administrative penalty under this subsection, the manner of review is by trial de novo.

(6) On page 12, strike line 14 and substitute the following: "penalty under this section or on appeal of an administrative penalty under this section that a judgment for a civil penalty, or a final order, not timely appealed, ~~or~~ a judgment for an administrative penalty, was"

(7) On page 12, line 19, insert "and administrative" between "Civil" and "penalties".

ADOPTED

APR 23 1985

Betty Murray
Chief Clerk
House of Representatives

Committee Amendment No. 12 By RILEY

Amend H.R. 1330 at page 8 by deleting
lines 18 through line 21, up to and
including the words "high winds" on
line 21.

ADOPTED

^{may}
APR 23 1985

Betty Murray
Chief Clerk
House of Representatives

House Floor Amendment No.

16

By

Messer

Amend House Bill 1330 Article 2, Section 4 on page 7, line 4 by adding the following sentence:

Provided, however, one sign per location shall be exempted from the height restrictions of this section if such location is visible from the main-traveled way of an interstate or primary system as such terms are defined in Acts 1981, 67th Legislature, page 2710, Chapter 741 as amended (Article 4477-9a V.T.C.S.)

Vermont Texas
Civil Statute

Chapter 741, etc. of 1981
Regular Session, 1981

ADOPTED

APR 23 1985

Betty Murray
Chief Clerk
House of Representatives

House Floor Amendment No:

17

By:

[Signature]

Amend H.B. 1330 by deleting the following after the word "apron" on page 7, line 13: ", or that has face dimensions that exceed 15 feet in height or 30 feet in width."

ADOPTED

^{may}
APR 23 1985

Betty Murray
Chief Clerk
House of Representatives

House Floor Amendment No:

18

By:

Messer

Amend H.B. 1330 on page 5, line 22 by inserting the following after the word "a" and before the word "sign" when it appears for the second time on line 22: "free standing".

ADOPTED

APR 23 1985

Betty Murray
Chief Clerk
House of Representatives

ADOPTED

APR 23 1985

Betty Murray
Chief Clerk
House of Representatives

AMENDMENT NO. 19

BY P. Hill

///INSERT

1 Amend H.B. 1330 on page 2, by striking Subsection (e) and by
2 substituting new Subsections (e) and (f) to read as follows:

3 *C* (e) For a sign that is required to be removed, compensable
4 costs include the cash value of the sign, determined according to
5 standards and procedures applicable in a proceeding under Chapter
6 21, Property Code.

7 (f) If a sign is required to be removed, the owner of the
8 real property on which the sign was located is entitled to be
9 compensated for the decrease in the value of the real property.
10 The compensable cost is to be determined according to standards and
11 procedures applicable in a proceeding under Chapter 21, Property
12 Code.

House Floor Amendment No.

20

By

Hilton

Amend House Bill 1330 on page 3, line 20 by adding the following sentence:

(11/11/85) (12/11) ← "The municipality may only use the proceeds from such bonds for the removal, relocation, or reconstruction of signs within the corporate limits of such municipality."

ADOPTED

APR 28 1985

Betty Murray
Chief Clerk
House of Representatives

Amendment No. 21

by: Barry
Roberts

Amend H.B. 1330 on page 8
line 26 by inserting the following
between the words "signs" and
the word "at":

"per each frontage on a
single rural road"

ADOPTED

^{11:41}
APR 23 1985

Betty Murray
Chief Clerk
House of Representatives

House Floor Amendment No.

22

By

[Signature]

Amend House Bill 1330, Article 1, Section 4 by adding a new subsection (d) on page 5 to read as follows:

INSERT
1330
The requirements of this article do not apply to any sign which is:

- (1) constructed between April 23, 1985, and September 1, 1985, and
 - (2) which does not conform to the standards prescribed by this Act on its effective date."
- [Handwritten marks and signatures on the right margin]*

ADOPTED

APR 23 1985

Betty Murray
Chief Clerk

House of Representatives

1985 APR 23 PM 11: 04

HOUSE OF REPRESENTATIVES

ENGROSSED
SECOND READING

By Messer, et al.

H.B. No. 1330

A BILL TO BE ENTITLED

AN ACT

relating to state and local regulation of outdoor signs.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1

SECTION 1. DEFINITIONS. In this article:

(1) "Sign" means an outdoor structure, sign, display, light device, figure, painting, drawing, message, plaque, poster, billboard, or other thing that is designed, intended, or used to advertise or inform.

(2) "Municipality" means an incorporated city, town, or village, including a home-rule city.

SECTION 2. RELOCATION, RECONSTRUCTION, OR REMOVAL OF SIGN: COMPENSATION OF OWNER. (a) Subject to the requirements of this article, a municipality may require the relocation, reconstruction, or removal of any sign within its corporate limits.

(b) The owner of a sign that is required to be relocated, reconstructed, or removed is entitled to be compensated by the municipality as provided by this section for costs associated with the relocation, reconstruction, or removal.

(c) For a sign that is required to be relocated, compensable costs include the expenses of dismantling the sign, transporting it to another site, and reerecting it, and the decrease in value of the property on which the sign was located, determined according to the standards and procedures applicable in a proceeding under

Chapter 21, Property Code. In addition, the municipality shall issue to the owner an appropriate permit or other authority to operate at an alternative site of substantially equivalent value a substitute sign of the same type and compensate the owner for any increased operating costs (including increased rent) at the new location. The owner is responsible for designating the alternative site. Whether an alternative site is of substantially equivalent value is determined by standards generally accepted in the outdoor advertising industry, including visibility, traffic count, and demographic factors.

(d) For a sign that is required to be reconstructed, compensable costs include expenses of labor and materials and any loss in the value of the sign because of the reconstruction, determined according to standards and procedures applicable in a proceeding under Chapter 21, Property Code.

(e) For a sign that is required to be removed, compensable costs include the cash value of the sign, determined according to standards and procedures applicable in a proceeding under Chapter 21, Property Code.

(f) If a sign is required to be removed, the owner of the real property on which the sign was located is entitled to be compensated for the decrease in the value of the real property. The compensable cost is to be determined according to standards and procedures applicable in a proceeding under Chapter 21, Property Code.

SECTION 3. METHOD OF COMPENSATION. (a) In order to pay the compensable costs required under Section 2 of this article, the

1 governing body of any municipality is authorized to utilize only
2 the following methods prescribed by this section, or a combination
3 of those methods.

4 (b) The municipality, acting pursuant to the Property
5 Redevelopment and Tax Abatement Act (Article 1066f, Vernon's Texas
6 Civil Statutes), may abate municipal property taxes that otherwise
7 would be owed by the owner of a sign that is required to be
8 relocated or reconstructed. The abated taxes may be on any real or
9 personal property owned by the owner of the sign except residential
10 property. The right to the abatement of taxes is assignable by the
11 holder, and the assignee may use the right to abatement with
12 respect to taxes on any nonresidential property in the same taxing
13 jurisdiction. In any municipality where tax abatement is utilized
14 in order to pay compensable costs, such costs shall include
15 reasonable interest and such abatement period shall not exceed five
16 years.

17 (c) The municipality may allocate all or any part of the
18 municipal property taxes paid on signs, on the real property upon
19 which the signs are located, or on other real or personal property
20 owned by the owner of the sign to a special fund in the municipal
21 treasury, to be known as the sign abatement and community
22 beautification fund, and make payments from that fund to reimburse
23 compensable costs to owners of signs required to be relocated,
24 reconstructed, or removed.

25 (d) The municipality may provide for the issuance of sign
26 abatement revenue bonds and use the proceeds to make payments to
27 reimburse costs to the owners of signs required to be relocated,

1 reconstructed, or removed. The municipality may only use the
2 proceeds from such bonds for the removal, relocation, or
3 reconstruction of signs within the corporate limits of such
4 municipality.

5 (e) The municipality may pay compensable costs in cash.

6 (f) In any proceeding in which the reasonableness of
7 compensation is at issue and the compensation is to be provided
8 over a period longer than one year, the court shall consider
9 whether the duration of the period is reasonable under the
10 circumstances.

11 (g) If application of a municipal regulation would require
12 reconstruction of a sign in a manner that would make it ineffective
13 for its intended purpose, such as by substantially impairing the
14 sign's visibility, application of the regulation is treated as the
15 required removal of the sign for purposes of this article.

16 (h) In lieu of paying compensation, a city may exempt from
17 required relocation, reconstruction, or removal those signs
18 lawfully in place on the effective date of the requirement.

19 SECTION 4. EXCEPTIONS. (a) The requirements of this
20 article do not apply to any sign that was erected in violation of
21 local ordinances, laws, or regulations applicable at the time of
22 its erection.

23 (b) The requirements of this article do not apply to a sign
24 that, having been permitted to remain in place as a nonconforming
25 use, is required to be removed by a municipality because the sign,
26 or a substantial part of it, is blown down or otherwise destroyed
27 or dismantled for any purpose other than maintenance operations or

1 for changing the letters, symbols, or other matter on the sign.

2 (c) For purposes of Subsection (b) of this section, a sign
3 or substantial part of it is considered to have been destroyed only
4 if the cost of repairing the sign is more than 60 percent of the
5 cost of erecting a new sign of the same type at the same location.

6 (d) The requirements of this article do not apply to any
7 sign which:

8 (1) is constructed between April 23, 1985, and September 1,
9 1985; and

10 (2) does not conform to the standards prescribed by this Act
11 on its effective date.

12 ARTICLE 2

13 SECTION 1. LEGISLATIVE INTENT. It is the intent of the
14 legislature to promote and control the reasonable, orderly, and
15 effective display of outdoor advertising on all highways and roads
16 located outside the corporate limits of cities, towns, and villages
17 in Texas to promote the recreational value of public travel, and to
18 preserve natural beauty.

19 SECTION 2. DEFINITIONS. In this article:

20 (1) "Commission" means the State Highway and Public
21 Transportation Commission.

22 (2) "Rural road" means a road, street, way, thoroughfare, or
23 bridge that is located in an unincorporated area and is not
24 privately owned or controlled, any part of which is open to the
25 public for vehicular traffic, and over which the state or any of
26 its political subdivisions have jurisdiction.

27 (3) "Sign" means an outdoor structure, sign, display, light

1 device, figure, painting, drawing, message, plaque, poster,
2 billboard, or other thing that is designed, intended, or used to
3 advertise or inform and that is visible from the main-travelled way
4 of a rural road.

5 (4) "On-premise sign" means a freestanding sign identifying
6 or advertising a business, person, or activity, and installed and
7 maintained on the same premises as the business, person, or
8 activity.

9 (5) "Off-premise sign" means a sign displaying advertising
10 copy that pertains to a business, person, organization, activity,
11 event, place, service, or product not principally located or
12 primarily manufactured or sold on the premises on which the sign is
13 located.

14 (6) "Person" means an individual, association, or
15 corporation.

16 (7) "Portable sign" means a sign designed to be mounted on a
17 trailer, bench, wheeled carrier, or other nonmotorized mobile
18 structure.

19 SECTION 3. SPACING REQUIREMENTS. (a) An off-premise sign
20 having a face area of 301 square feet or more may not be erected
21 within 1,500 feet of another off-premise sign on the same side of
22 the roadway.

23 (b) An off-premise sign having a face area of at least 100
24 but less than 301 square feet may not be erected within 500 feet of
25 another off-premise sign on the same side of the roadway.

26 (c) An off-premise sign having a face area of less than 100
27 square feet may not be erected within 300 feet of another

1 off-premise sign on the same side of the roadway.

2 (d) For purposes of this section, each double-faced,
3 back-to-back, or V-type sign is treated as a single sign.

4 (e) Signs located at the same intersection are not in
5 violation of this section because of their nearness to one another
6 if they are located so that their messages are directed toward
7 traffic flowing in different directions.

8 SECTION 4. HEIGHT RESTRICTIONS. An on-premise or
9 off-premise sign may not be erected that exceeds an overall height
10 of 42-1/2 feet, excluding cutouts extending above the rectangular
11 border, measured from the highest point on the sign to the grade
12 level of the roadway from which the sign is to be viewed.
13 Provided, however, one sign per location shall be exempted from the
14 height restrictions of this section if such location is visible
15 from the main-travelled way of an interstate or primary system as
16 such terms are defined in Chapter 741, Acts of the 67th
17 Legislature, Regular Session, 1981 (Article 4477-9a, Vernon's Texas
18 Civil Statutes). A roof sign having a tight or solid surface may
19 not at any point exceed 24 feet above the roof level. Open roof
20 signs in which the uniform open area is not less than 40 percent of
21 total gross area may be erected to a height of 40 feet above the
22 roof level. The lowest point on a projecting sign must be at least
23 14 feet above grade.

24 SECTION 5. FACE RESTRICTIONS. An on-premise sign, other
25 than an on-premise wall sign, may not be erected that has a face
26 area exceeding 400 square feet, including cutouts but excluding
27 uprights, trim, and apron. An off-premise sign may not be erected

that has a face area exceeding 672 square feet, excluding cutouts, uprights, trim, and apron. Neither an on-premise nor an off-premise sign may have a cutout with an area larger than 20 percent of the sign's surface copy area.

SECTION 6. DETERMINATION OF SIZE. For signs of a double-faced, back-to-back, or V-type nature, each face is considered a separate sign in computing the face area.

SECTION 7. WIND LOADS; LOCATION AND ANCHORING OF PORTABLE SIGNS. (a) Each on-premise or off-premise sign erected or sited must be designed to resist wind loads as follows:

<u>WIND LOAD PRESSURES IN POUNDS</u>	
<u>PER SQUARE FOOT FOR ALL SIGNS</u>	
<u>Height, in feet</u>	
<u>above ground, as</u>	
<u>measured above the</u>	
<u>average level of</u>	<u>Pressure,</u>
<u>the ground adjacent</u>	<u>pounds per</u>
<u>to the structure</u>	<u>square foot</u>
0 - 30	20
31 - 50	25
51 - 99	35
100 - 199	45
200 - 299	50
300 - 399	55
400 - 500	60
501 - 800	70
Over 800	77

1 (b) A person may not place a portable sign on property of
2 another without first obtaining written permission from the owner
3 or the owner's authorized agent.

4 SECTION 8. NUMBER OF ON-PREMISE SIGNS. A business may not
5 maintain more than five on-premise signs per each frontage on a
6 single rural road at a single business location.

7 SECTION 9. ADMINISTRATION OF ARTICLE; RULEMAKING. (a) The
8 commission shall administer and enforce this article and shall
9 adopt rules to regulate the erection or maintenance of signs
10 covered under this article. The commission shall adopt rules
11 specifying the time for and manner of applying for a permit, the
12 form of the permit application, and the information that must be
13 included in a permit application.

14 (b) The commission by rule may require every applicant for a
15 permit to file with the commission a surety bond or other security
16 in a reasonable amount and payable to the commission to reimburse
17 it for the cost of removing a sign unlawfully erected or maintained
18 by a permittee. A rule adopted under this section must provide for
19 exemption from the requirement of furnishing a bond or security for
20 an applicant who has held five or more permits under this article
21 for at least one year and has not violated this article or a rule
22 adopted under this article during the preceding 12-month period.

23 (c) The commission may revoke a permit issued under this
24 article if the permittee:

25 (1) violates any provision or requirement of this article;
26 or

27 (2) violates a commission rule adopted under this article.

1 (d) A person whose permit is revoked may appeal the
2 revocation to a district court in Travis County. The appeal must
3 be taken not later than the 15th day after the date of the
4 commission's action.

5 (e) The commission shall issue a permit to a person whose
6 application complies with the commission's rules and whose sign, if
7 erected, would comply with the requirements of this article.

8 (f) The commission shall provide for a board of variance
9 which may, in appropriate cases and subject to appropriate
10 conditions and safeguards, make special exceptions to the
11 provisions of this article.

12 SECTION 9A. REGULATION IN CITY EXTRATERRITORIAL
13 JURISDICTION. Any municipality may extend the provisions of its
14 outdoor sign regulatory ordinance and enforce such ordinance within
15 its area of extraterritorial jurisdiction as otherwise provided by
16 law. However, any municipality, in lieu of such regulatory
17 ordinances, may allow the commission to regulate outdoor signs in
18 said city's extraterritorial jurisdiction by filing a written
19 notice with the commission.

20 SECTION 10. PERMIT FOR ERECTION OF SIGN. A person may not
21 erect an off-premise sign that is visible from the main-travelled
22 way of a rural road without having first obtained a permit from the
23 department. A permit issued under this section is valid for one
24 year. The commission by rule shall prescribe fees for the issuance
25 of permits in amounts determined by the commission to be sufficient
26 to enable the commission to recover the costs of enforcement of
27 this article. Fees collected under this section shall be deposited

1 in the state treasury and may be used only for the enforcement of
2 this article. Except as authorized pursuant to this Act, no permit
3 may be issued for an off-premise sign unless such sign is to be
4 located within 800 feet of one or more recognized commercial or
5 industrial business activities and located on the same side of the
6 roadway as such business.

7 SECTION 11. REPLACEMENT OR REPAIR OF SIGN. (a) When any
8 sign, or a substantial part of it, is blown down or otherwise
9 destroyed or taken down or removed for any purpose other than
10 maintenance operations or for changing the letters, symbols, or
11 other matter on the sign, it may not be reerected, reconstructed,
12 or rebuilt except in full conformance with the provisions and
13 requirements of this article.

14 (b) For purposes of Subsection (a) of this section, a sign
15 or substantial part of it is considered to have been destroyed only
16 if the cost of repairing the sign is more than 50 percent of the
17 cost of erecting a new sign of the same type at the same location.

18 SECTION 12. EXEMPTIONS. (a) The following are exempt from
19 this article:

20 (1) a sign in existence before the effective date of this
21 article;

22 (2) a sign that has as its purpose the protection of life
23 and property;

24 (3) a directional or other official sign authorized by law,
25 including a sign pertaining to natural wonders or scenic or
26 historic attractions;

27 (4) a sign or marker giving information about the location

1 of underground electric transmission lines, telegraph or telephone
2 properties and facilities, pipelines, public sewers, or waterlines;

3 (5) a sign erected by an agency of the state or a political
4 subdivision of the state; and

5 (6) a sign erected solely for and relating to a public
6 election, but only if:

7 (A) the sign is on private property;

8 (B) the sign is erected no sooner than the 60th day before
9 the election and is removed no later than the 10th day after the
10 election;

11 (C) the sign is constructed of lightweight material; and

12 (D) the surface area of the sign is not larger than 50
13 square feet.

14 (b) The following are exempt from the requirements of
15 Section 5 of this article:

16 (1) signs advertising the sale or lease of property on which
17 they are located; and

18 (2) on-premise wall signs.

19 (c) The exemption provided by Subsection (a)(1) of this
20 section does not exempt a sign from Section 13 of this article to
21 the extent that section applies.

22 SECTION 13. EXISTING OFF-PREMISE SIGNS. Not later than the
23 120th day after the effective date of this article each owner of an
24 off-premise sign erected before the effective date of this article
25 that is visible from the main-travelled way of a rural road shall
26 either remove the sign or register the sign with the commission.
27 The owner must pay a fee of \$25 for each sign that is registered.

1 This registration is valid for one year, but is renewable for an
2 annual fee of \$10 a sign, provided however, the commission may by
3 regulation provide for a longer renewal period not to exceed five
4 years.

5 SECTION 14. CIVIL AND ADMINISTRATIVE PENALTIES. (a) A
6 person who intentionally violates this article or a rule adopted by
7 the commission under this article is liable to the state for a
8 civil penalty. The attorney general or a county or district
9 attorney may sue to collect the penalty.

10 (b) The amount of the civil penalty is not less than \$150
11 nor more than \$1,000 for each violation, depending on the
12 seriousness of the violation. A separate civil penalty may be
13 collected for each day on which a continuing violation occurs.

14 (c) In lieu of a suit to collect a civil penalty, the
15 commission may, after notice and an opportunity for hearing before
16 the commission, assess an administrative penalty against a person
17 who intentionally violates this article or a rule adopted by the
18 commission under this article. The amount of an administrative
19 penalty may not exceed the maximum amount of a civil penalty under
20 this section. A continuing violation is subject to separate
21 administrative penalties in the same manner as it is subject to
22 separate civil penalties. A proceeding on the assessment of an
23 administrative penalty under this subsection is a contested case
24 for purposes of the Administrative Procedure and Texas Register Act
25 (Article 6252-13a, Vernon's Texas Civil Statutes). On appeal of
26 the assessment of an administrative penalty under this subsection,
27 the manner of review is by trial de novo.

1 (d) If it is shown at the trial for collection of a civil
2 penalty under this section or on appeal of an administrative
3 penalty under this section that a judgment for a civil penalty, or
4 a final order, not timely appealed, or a judgment for an
5 administrative penalty, was previously assessed against the person,
6 in addition to any penalty that may be assessed for the subsequent
7 violation the court shall order the revocation of any permit held
8 by the person for the location at which the subsequent violation
9 occurred.

10 (e) Civil and administrative penalties collected under this
11 article shall be deposited in the state treasury to the credit of
12 the state highway fund.

13 SECTION 15. DISPOSITION OF FEES. Except as provided by
14 Section 10 of this article, permit or registration fees collected
15 by the commission under this article shall be deposited in the
16 state treasury to the credit of the state highway fund.

17 ARTICLE 3

18 SECTION 1. Section 3, Property Redevelopment and Tax
19 Abatement Act (Article 1066f, Vernon's Texas Civil Statutes), is
20 amended to read as follows:

21 Sec. 3. DESIGNATION OF REINVESTMENT ZONES. (a) To be
22 designated as a reinvestment zone, an area must:

23 (1) substantially impair or arrest the sound growth of a
24 city or town, retard the provision of housing accommodations, or
25 constitute an economic or social liability and be a menace to the
26 public health, safety, morals, or welfare in its present condition
27 and use by reason of the presence of a substantial number of

1 substandard, slum, deteriorated, or deteriorating structures;
2 predominance of defective or inadequate sidewalk or street layout;
3 faulty lot layout in relation to size, accessibility, or
4 usefulness; unsanitary or unsafe conditions; deterioration of site
5 or other improvements; tax or special assessment delinquency
6 exceeding the fair value of the land; defective or unusual
7 conditions of title; the existence of conditions that endanger life
8 or property by fire or other cause; or any combination of these
9 factors or conditions;

10 (2) be predominantly open and, because of obsolete platting
11 or deterioration of structures or site improvements, or other
12 factors, substantially impair or arrest the sound growth of the
13 city or town;

14 (3) be in a federally assisted new community located within
15 a home-rule city or in an area immediately adjacent to the
16 federally assisted new community;

17 (4) be located wholly within an area which meets the
18 requirements for federal assistance under Section 119 of the
19 Housing and Community Development Act of 1974; [er]

20 (5) encompass signs, billboards, and other outdoor
21 advertising structures designated by the governing body of the
22 incorporated city or town for relocation, reconstruction, or
23 removal for the purpose of enhancing the physical environment of
24 the city or town, which the legislature hereby declares to be a
25 public purpose; or

26 (6) be designated a local or state-federal enterprise zone
27 under the Texas Enterprise Zone Act.

1 (b) For the purposes of Subdivision (3) of Subsection (a) of
2 this section, a federally assisted new community is a federally
3 assisted area that received or will receive assistance in the form
4 of loan guarantees under Title X of the National Housing Act and a
5 portion of the federally assisted area has received grants under
6 Section 107(a)(1) of the Housing and Community Development Act of
7 1974.

8 (c) The governing body of an incorporated city or town may
9 designate, by boundaries, as a reinvestment zone any area, or real
10 or personal property whose use is directly related to the business
11 of outdoor advertising, within the taxing jurisdiction of the city
12 or town that the governing body finds to satisfy the requirements
13 of Subsection (a) of this section, subject to the limitations set
14 forth by Section 4 of this Act. The governing body of an
15 incorporated city or town shall designate a reinvestment zone
16 eligible for residential property tax abatement, or
17 commercial-industrial tax abatement, or tax incentive financing as
18 provided for in the Texas Tax Increment Financing Act of 1981
19 (Article 1066e, Vernon's Texas Civil Statutes) [S-B-No--167--67th
20 Legislature, 1st Called Session, 1981].

21 ARTICLE 4

22 SECTION 1. EFFECTIVE DATE. This Act takes effect September
23 1, 1985.

24 SECTION 2. EFFECT OF PARTIAL INVALIDITY. (a) The
25 legislature declares that it would not have enacted this Act
26 without the inclusion of Section 3(a) of Article 1, to the extent
27 that provision excludes modes of compensation not specifically

1 authorized by that provision. If this exclusion of alternative
2 modes of compensation is for any reason held invalid by a final
3 judgment of a court of competent jurisdiction, the remainder of
4 this Act is void.

5 (b) Except as provided by Subsection (a) of this section,
6 this Act is severable as provided by Chapter 45, Acts of the 63rd
7 Legislature, Regular Session, 1973 (Article 11a, Vernon's Texas
8 Civil Statutes).

9 SECTION 3. COURT-APPROVED SETTLEMENT. Nothing in this Act
10 affects a court-approved settlement entered into before the
11 effective date of this Act in any litigation in a court of the
12 United States involving the validity of municipal regulation of
13 signs. To the extent a provision of this Act conflicts with the
14 terms of such a settlement, the terms of the settlement prevail.

15 SECTION 4. EMERGENCY. The importance of this legislation
16 and the crowded condition of the calendars in both houses create an
17 emergency and an imperative public necessity that the
18 constitutional rule requiring bills to be read on three several
19 days in each house be suspended, and this rule is hereby suspended.

HOUSE ENGROSSMENT

By Messer, et al.

H.B. No. 1330

A BILL TO BE ENTITLED

AN ACT

relating to state and local regulation of outdoor signs.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1

SECTION 1. DEFINITIONS. In this article:

(1) "Sign" means an outdoor structure, sign, display, light device, figure, painting, drawing, message, plaque, poster, billboard, or other thing that is designed, intended, or used to advertise or inform.

(2) "Municipality" means an incorporated city, town, or village, including a home-rule city.

SECTION 2. RELOCATION, RECONSTRUCTION, OR REMOVAL OF SIGN: COMPENSATION OF OWNER. (a) Subject to the requirements of this article, a municipality may require the relocation, reconstruction, or removal of any sign within its corporate limits.

(b) The owner of a sign that is required to be relocated, reconstructed, or removed is entitled to be compensated by the municipality as provided by this section for costs associated with the relocation, reconstruction, or removal.

(c) For a sign that is required to be relocated, compensable costs include the expenses of dismantling the sign, transporting it to another site, and reerecting it, and the decrease in value of the property on which the sign was located, determined according to the standards and procedures applicable in a proceeding under

Chapter 21, Property Code. In addition, the municipality shall issue to the owner an appropriate permit or other authority to operate at an alternative site of substantially equivalent value a substitute sign of the same type and compensate the owner for any increased operating costs (including increased rent) at the new location. The owner is responsible for designating the alternative site. Whether an alternative site is of substantially equivalent value is determined by standards generally accepted in the outdoor advertising industry, including visibility, traffic count, and demographic factors.

(d) For a sign that is required to be reconstructed, compensable costs include expenses of labor and materials and any loss in the value of the sign because of the reconstruction, determined according to standards and procedures applicable in a proceeding under Chapter 21, Property Code.

(e) For a sign that is required to be removed, compensable costs include the cash value of the sign, determined according to standards and procedures applicable in a proceeding under Chapter 21, Property Code.

(f) If a sign is required to be removed, the owner of the real property on which the sign was located is entitled to be compensated for the decrease in the value of the real property. The compensable cost is to be determined according to standards and procedures applicable in a proceeding under Chapter 21, Property Code.

SECTION 3. METHOD OF COMPENSATION. (a) In order to pay the compensable costs required under Section 2 of this article, the

1 governing body of any municipality is authorized to utilize only
2 the following methods prescribed by this section, or a combination
3 of those methods.

4 (b) The municipality, acting pursuant to the Property
5 Redevelopment and Tax Abatement Act (Article 1066f, Vernon's Texas
6 Civil Statutes), may abate municipal property taxes that otherwise
7 would be owed by the owner of a sign that is required to be
8 relocated or reconstructed. The abated taxes may be on any real or
9 personal property owned by the owner of the sign except residential
10 property. The right to the abatement of taxes is assignable by the
11 holder, and the assignee may use the right to abatement with
12 respect to taxes on any nonresidential property in the same taxing
13 jurisdiction. In any municipality where tax abatement is utilized
14 in order to pay compensable costs, such costs shall include
15 reasonable interest and such abatement period shall not exceed five
16 years.

17 (c) The municipality may allocate all or any part of the
18 municipal property taxes paid on signs, on the real property upon
19 which the signs are located, or on other real or personal property
20 owned by the owner of the sign to a special fund in the municipal
21 treasury, to be known as the sign abatement and community
22 beautification fund, and make payments from that fund to reimburse
23 compensable costs to owners of signs required to be relocated,
24 reconstructed, or removed.

25 (d) The municipality may provide for the issuance of sign
26 abatement revenue bonds and use the proceeds to make payments to
27 reimburse costs to the owners of signs required to be relocated,

1 reconstructed, or removed. The municipality may only use the
2 proceeds from such bonds for the removal, relocation, or
3 reconstruction of signs within the corporate limits of such
4 municipality.

5 (e) The municipality may pay compensable costs in cash.

6 (f) In any proceeding in which the reasonableness of
7 compensation is at issue and the compensation is to be provided
8 over a period longer than one year, the court shall consider
9 whether the duration of the period is reasonable under the
10 circumstances.

11 (g) If application of a municipal regulation would require
12 reconstruction of a sign in a manner that would make it ineffective
13 for its intended purpose, such as by substantially impairing the
14 sign's visibility, application of the regulation is treated as the
15 required removal of the sign for purposes of this article.

16 (h) In lieu of paying compensation, a city may exempt from
17 required relocation, reconstruction, or removal those signs
18 lawfully in place on the effective date of the requirement.

19 SECTION 4. EXCEPTIONS. (a) The requirements of this
20 article do not apply to any sign that was erected in violation of
21 local ordinances, laws, or regulations applicable at the time of
22 its erection.

23 (b) The requirements of this article do not apply to a sign
24 that, having been permitted to remain in place as a nonconforming
25 use, is required to be removed by a municipality because the sign,
26 or a substantial part of it, is blown down or otherwise destroyed
27 or dismantled for any purpose other than maintenance operations or

1 for changing the letters, symbols, or other matter on the sign.

2 (c) For purposes of Subsection (b) of this section, a sign
3 or substantial part of it is considered to have been destroyed only
4 if the cost of repairing the sign is more than 60 percent of the
5 cost of erecting a new sign of the same type at the same location.

6 (d) The requirements of this article do not apply to any
7 sign which:

8 (1) is constructed between April 23, 1985, and September 1,
9 1985; and

10 (2) does not conform to the standards prescribed by this Act
11 on its effective date.

12 ARTICLE 2

13 SECTION 1. LEGISLATIVE INTENT. It is the intent of the
14 legislature to promote and control the reasonable, orderly, and
15 effective display of outdoor advertising on all highways and roads
16 located outside the corporate limits of cities, towns, and villages
17 in Texas to promote the recreational value of public travel, and to
18 preserve natural beauty.

19 SECTION 2. DEFINITIONS. In this article:

20 (1) "Commission" means the State Highway and Public
21 Transportation Commission.

22 (2) "Rural road" means a road, street, way, thoroughfare, or
23 bridge that is located in an unincorporated area and is not
24 privately owned or controlled, any part of which is open to the
25 public for vehicular traffic, and over which the state or any of
26 its political subdivisions have jurisdiction.

27 (3) "Sign" means an outdoor structure, sign, display, light

1 device, figure, painting, drawing, message, plaque, poster,
2 billboard, or other thing that is designed, intended, or used to
3 advertise or inform and that is visible from the main-travelled way
4 of a rural road.

5 (4) "On-premise sign" means a freestanding sign identifying
6 or advertising a business, person, or activity, and installed and
7 maintained on the same premises as the business, person, or
8 activity.

9 (5) "Off-premise sign" means a sign displaying advertising
10 copy that pertains to a business, person, organization, activity,
11 event, place, service, or product not principally located or
12 primarily manufactured or sold on the premises on which the sign is
13 located.

14 (6) "Person" means an individual, association, or
15 corporation.

16 (7) "Portable sign" means a sign designed to be mounted on a
17 trailer, bench, wheeled carrier, or other nonmotorized mobile
18 structure.

19 SECTION 3. SPACING REQUIREMENTS. (a) An off-premise sign
20 having a face area of 301 square feet or more may not be erected
21 within 1,500 feet of another off-premise sign on the same side of
22 the roadway.

23 (b) An off-premise sign having a face area of at least 100
24 but less than 301 square feet may not be erected within 500 feet of
25 another off-premise sign on the same side of the roadway.

26 (c) An off-premise sign having a face area of less than 100
27 square feet may not be erected within 300 feet of another

1 off-premise sign on the same side of the roadway.

2 (d) For purposes of this section, each double-faced,
3 back-to-back, or V-type sign is treated as a single sign.

4 (e) Signs located at the same intersection are not in
5 violation of this section because of their nearness to one another
6 if they are located so that their messages are directed toward
7 traffic flowing in different directions.

8 SECTION 4. HEIGHT RESTRICTIONS. An on-premise or
9 off-premise sign may not be erected that exceeds an overall height
10 of 42-1/2 feet, excluding cutouts extending above the rectangular
11 border, measured from the highest point on the sign to the grade
12 level of the roadway from which the sign is to be viewed.
13 Provided, however, one sign per location shall be exempted from the
14 height restrictions of this section if such location is visible
15 from the main-travelled way of an interstate or primary system as
16 such terms are defined in Chapter 741, Acts of the 67th
17 Legislature, Regular Session, 1981 (Article 4477-9a, Vernon's Texas
18 Civil Statutes). A roof sign having a tight or solid surface may
19 not at any point exceed 24 feet above the roof level. Open roof
20 signs in which the uniform open area is not less than 40 percent of
21 total gross area may be erected to a height of 40 feet above the
22 roof level. The lowest point on a projecting sign must be at least
23 14 feet above grade.

24 SECTION 5. FACE RESTRICTIONS. An on-premise sign, other
25 than an on-premise wall sign, may not be erected that has a face
26 area exceeding 400 square feet, including cutouts but excluding
27 uprights, trim, and apron. An off-premise sign may not be erected

that has a face area exceeding 672 square feet, excluding cutouts, uprights, trim, and apron. Neither an on-premise nor an off-premise sign may have a cutout with an area larger than 20 percent of the sign's surface copy area.

SECTION 6. DETERMINATION OF SIZE. For signs of a double-faced, back-to-back, or V-type nature, each face is considered a separate sign in computing the face area.

SECTION 7. WIND LOADS; LOCATION AND ANCHORING OF PORTABLE SIGNS. (a) Each on-premise or off-premise sign erected or sited must be designed to resist wind loads as follows:

WIND LOAD PRESSURES IN POUNDS

PER SQUARE FOOT FOR ALL SIGNS

<u>Height, in feet</u>	<u>Pressure,</u>
<u>above ground, as</u>	<u>pounds per</u>
<u>measured above the</u>	<u>square foot</u>
<u>average level of</u>	
<u>the ground adjacent</u>	
<u>to the structure</u>	
0 - 30	20
31 - 50	25
51 - 99	35
100 - 199	45
200 - 299	50
300 - 399	55
400 - 500	60
501 - 800	70
Over 800	77

1 (b) A person may not place a portable sign on property of
2 another without first obtaining written permission from the owner
3 or the owner's authorized agent.

4 SECTION 8. NUMBER OF ON-PREMISE SIGNS. A business may not
5 maintain more than five on-premise signs per each frontage on a
6 single rural road at a single business location.

7 SECTION 9. ADMINISTRATION OF ARTICLE; RULEMAKING. (a) The
8 commission shall administer and enforce this article and shall
9 adopt rules to regulate the erection or maintenance of signs
10 covered under this article. The commission shall adopt rules
11 specifying the time for and manner of applying for a permit, the
12 form of the permit application, and the information that must be
13 included in a permit application.

14 (b) The commission by rule may require every applicant for a
15 permit to file with the commission a surety bond or other security
16 in a reasonable amount and payable to the commission to reimburse
17 it for the cost of removing a sign unlawfully erected or maintained
18 by a permittee. A rule adopted under this section must provide for
19 exemption from the requirement of furnishing a bond or security for
20 an applicant who has held five or more permits under this article
21 for at least one year and has not violated this article or a rule
22 adopted under this article during the preceding 12-month period.

23 (c) The commission may revoke a permit issued under this
24 article if the permittee:

25 (1) violates any provision or requirement of this article;
26 or

27 (2) violates a commission rule adopted under this article.

1 (d) A person whose permit is revoked may appeal the
2 revocation to a district court in Travis County. The appeal must
3 be taken not later than the 15th day after the date of the
4 commission's action.

5 (e) The commission shall issue a permit to a person whose
6 application complies with the commission's rules and whose sign, if
7 erected, would comply with the requirements of this article.

8 (f) The commission shall provide for a board of variance
9 which may, in appropriate cases and subject to appropriate
10 conditions and safeguards, make special exceptions to the
11 provisions of this article.

12 SECTION 9A. REGULATION IN CITY EXTRATERRITORIAL
13 JURISDICTION. Any municipality may extend the provisions of its
14 outdoor sign regulatory ordinance and enforce such ordinance within
15 its area of extraterritorial jurisdiction as otherwise provided by
16 law. However, any municipality, in lieu of such regulatory
17 ordinances, may allow the commission to regulate outdoor signs in
18 said city's extraterritorial jurisdiction by filing a written
19 notice with the commission.

20 SECTION 10. PERMIT FOR ERECTION OF SIGN. A person may not
21 erect an off-premise sign that is visible from the main-travelled
22 way of a rural road without having first obtained a permit from the
23 department. A permit issued under this section is valid for one
24 year. The commission by rule shall prescribe fees for the issuance
25 of permits in amounts determined by the commission to be sufficient
26 to enable the commission to recover the costs of enforcement of
27 this article. Fees collected under this section shall be deposited

1 in the state treasury and may be used only for the enforcement of
2 this article. Except as authorized pursuant to this Act, no permit
3 may be issued for an off-premise sign unless such sign is to be
4 located within 800 feet of one or more recognized commercial or
5 industrial business activities and located on the same side of the
6 roadway as such business.

7 SECTION 11. REPLACEMENT OR REPAIR OF SIGN. (a) When any
8 sign, or a substantial part of it, is blown down or otherwise
9 destroyed or taken down or removed for any purpose other than
10 maintenance operations or for changing the letters, symbols, or
11 other matter on the sign, it may not be reerected, reconstructed,
12 or rebuilt except in full conformance with the provisions and
13 requirements of this article.

14 (b) For purposes of Subsection (a) of this section, a sign
15 or substantial part of it is considered to have been destroyed only
16 if the cost of repairing the sign is more than 50 percent of the
17 cost of erecting a new sign of the same type at the same location.

18 SECTION 12. EXEMPTIONS. (a) The following are exempt from
19 this article:

20 (1) a sign in existence before the effective date of this
21 article;

22 (2) a sign that has as its purpose the protection of life
23 and property;

24 (3) a directional or other official sign authorized by law,
25 including a sign pertaining to natural wonders or scenic or
26 historic attractions;

27 (4) a sign or marker giving information about the location

1 of underground electric transmission lines, telegraph or telephone
2 properties and facilities, pipelines, public sewers, or waterlines;

3 (5) a sign erected by an agency of the state or a political
4 subdivision of the state; and

5 (6) a sign erected solely for and relating to a public
6 election, but only if:

7 (A) the sign is on private property;

8 (B) the sign is erected no sooner than the 60th day before
9 the election and is removed no later than the 10th day after the
10 election;

11 (C) the sign is constructed of lightweight material; and

12 (D) the surface area of the sign is not larger than 50
13 square feet.

14 (b) The following are exempt from the requirements of
15 Section 5 of this article:

16 (1) signs advertising the sale or lease of property on which
17 they are located; and

18 (2) on-premise wall signs.

19 (c) The exemption provided by Subsection (a)(1) of this
20 section does not exempt a sign from Section 13 of this article to
21 the extent that section applies.

22 SECTION 13. EXISTING OFF-PREMISE SIGNS. Not later than the
23 120th day after the effective date of this article each owner of an
24 off-premise sign erected before the effective date of this article
25 that is visible from the main-travelled way of a rural road shall
26 either remove the sign or register the sign with the commission.
27 The owner must pay a fee of \$25 for each sign that is registered.

1 This registration is valid for one year, but is renewable for an
2 annual fee of \$10 a sign, provided however, the commission may by
3 regulation provide for a longer renewal period not to exceed five
4 years.

5 SECTION 14. CIVIL AND ADMINISTRATIVE PENALTIES. (a) A
6 person who intentionally violates this article or a rule adopted by
7 the commission under this article is liable to the state for a
8 civil penalty. The attorney general or a county or district
9 attorney may sue to collect the penalty.

10 (b) The amount of the civil penalty is not less than \$150
11 nor more than \$1,000 for each violation, depending on the
12 seriousness of the violation. A separate civil penalty may be
13 collected for each day on which a continuing violation occurs.

14 (c) In lieu of a suit to collect a civil penalty, the
15 commission may, after notice and an opportunity for hearing before
16 the commission, assess an administrative penalty against a person
17 who intentionally violates this article or a rule adopted by the
18 commission under this article. The amount of an administrative
19 penalty may not exceed the maximum amount of a civil penalty under
20 this section. A continuing violation is subject to separate
21 administrative penalties in the same manner as it is subject to
22 separate civil penalties. A proceeding on the assessment of an
23 administrative penalty under this subsection is a contested case
24 for purposes of the Administrative Procedure and Texas Register Act
25 (Article 6252-13a, Vernon's Texas Civil Statutes). On appeal of
26 the assessment of an administrative penalty under this subsection,
27 the manner of review is by trial de novo.

1 (d) If it is shown at the trial for collection of a civil
2 penalty under this section or on appeal of an administrative
3 penalty under this section that a judgment for a civil penalty, or
4 a final order, not timely appealed, or a judgment for an
5 administrative penalty, was previously assessed against the person,
6 in addition to any penalty that may be assessed for the subsequent
7 violation the court shall order the revocation of any permit held
8 by the person for the location at which the subsequent violation
9 occurred.

10 (e) Civil and administrative penalties collected under this
11 article shall be deposited in the state treasury to the credit of
12 the state highway fund.

13 SECTION 15. DISPOSITION OF FEES. Except as provided by
14 Section 10 of this article, permit or registration fees collected
15 by the commission under this article shall be deposited in the
16 state treasury to the credit of the state highway fund.

17 ARTICLE 3

18 SECTION 1. Section 3, Property Redevelopment and Tax
19 Abatement Act (Article 1066f, Vernon's Texas Civil Statutes), is
20 amended to read as follows:

21 Sec. 3. DESIGNATION OF REINVESTMENT ZONES. (a) To be
22 designated as a reinvestment zone, an area must:

23 (1) substantially impair or arrest the sound growth of a
24 city or town, retard the provision of housing accommodations, or
25 constitute an economic or social liability and be a menace to the
26 public health, safety, morals, or welfare in its present condition
27 and use by reason of the presence of a substantial number of

1 substandard, slum, deteriorated, or deteriorating structures;
2 predominance of defective or inadequate sidewalk or street layout;
3 faulty lot layout in relation to size, accessibility, or
4 usefulness; unsanitary or unsafe conditions; deterioration of site
5 or other improvements; tax or special assessment delinquency
6 exceeding the fair value of the land; defective or unusual
7 conditions of title; the existence of conditions that endanger life
8 or property by fire or other cause; or any combination of these
9 factors or conditions;

10 (2) be predominantly open and, because of obsolete platting
11 or deterioration of structures or site improvements, or other
12 factors, substantially impair or arrest the sound growth of the
13 city or town;

14 (3) be in a federally assisted new community located within
15 a home-rule city or in an area immediately adjacent to the
16 federally assisted new community;

17 (4) be located wholly within an area which meets the
18 requirements for federal assistance under Section 119 of the
19 Housing and Community Development Act of 1974; [er]

20 (5) encompass signs, billboards, and other outdoor
21 advertising structures designated by the governing body of the
22 incorporated city or town for relocation, reconstruction, or
23 removal for the purpose of enhancing the physical environment of
24 the city or town, which the legislature hereby declares to be a
25 public purpose; or

26 (6) be designated a local or state-federal enterprise zone
27 under the Texas Enterprise Zone Act.

1 (b) For the purposes of Subdivision (3) of Subsection (a) of
2 this section, a federally assisted new community is a federally
3 assisted area that received or will receive assistance in the form
4 of loan guarantees under Title X of the National Housing Act and a
5 portion of the federally assisted area has received grants under
6 Section 107(a)(1) of the Housing and Community Development Act of
7 1974.

8 (c) The governing body of an incorporated city or town may
9 designate, by boundaries, as a reinvestment zone any area, or real
10 or personal property whose use is directly related to the business
11 of outdoor advertising, within the taxing jurisdiction of the city
12 or town that the governing body finds to satisfy the requirements
13 of Subsection (a) of this section, subject to the limitations set
14 forth by Section 4 of this Act. The governing body of an
15 incorporated city or town shall designate a reinvestment zone
16 eligible for residential property tax abatement, or
17 commercial-industrial tax abatement, or tax incentive financing as
18 provided for in the Texas Tax Increment Financing Act of 1981
19 (Article 1066e, Vernon's Texas Civil Statutes) [S-B-No--167--67th
20 Legislature, 1st-Called-Session, 1981].

21 ARTICLE 4

22 SECTION 1. EFFECTIVE DATE. This Act takes effect September
23 1, 1985.

24 SECTION 2. EFFECT OF PARTIAL INVALIDITY. (a) The
25 legislature declares that it would not have enacted this Act
26 without the inclusion of Section 3(a) of Article 1, to the extent
27 that provision excludes modes of compensation not specifically

1 authorized by that provision. If this exclusion of alternative
2 modes of compensation is for any reason held invalid by a final
3 judgment of a court of competent jurisdiction, the remainder of
4 this Act is void.

5 (b) Except as provided by Subsection (a) of this section,
6 this Act is severable as provided by Chapter 45, Acts of the 63rd
7 Legislature, Regular Session, 1973 (Article 11a, Vernon's Texas
8 Civil Statutes).

9 SECTION 3. COURT-APPROVED SETTLEMENT. Nothing in this Act
10 affects a court-approved settlement entered into before the
11 effective date of this Act in any litigation in a court of the
12 United States involving the validity of municipal regulation of
13 signs. To the extent a provision of this Act conflicts with the
14 terms of such a settlement, the terms of the settlement prevail.

15 SECTION 4. EMERGENCY. The importance of this legislation
16 and the crowded condition of the calendars in both houses create an
17 emergency and an imperative public necessity that the
18 constitutional rule requiring bills to be read on three several
19 days in each house be suspended, and this rule is hereby suspended.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 4, 1985

Honorable Pete Laney, Chair
Committee on State Affairs
House of Representatives
Austin, Texas

In Re: House Bill No. 1330,
as amended
By: Messer

Sir:

In response to your request for a Fiscal Note on House Bill No. 1330, as amended (relating to state and local regulation of outdoor signs) this office has determined the following:


The bill would require those cities which regulate outdoor sign location through an amortization period to compensate sign owners retroactively for costs associated with relocation, reconstruction, or removal of signs. Nine cities currently enforce amortization periods for sign removal at the end of which a sign owner must meet city specifications at his own expense. The cost of this bill to these cities is not known but is expected to be significant. Houston officials anticipate a possible \$60 million cost for removal of its nonconforming outdoor signs.

The bill would also authorize the State Department of Highways and Public Transportation to control and issue sign permits and renewals on all state and state political subdivision roads. Currently, the department only issues permits on interstate and federal aid primary roads and does not require renewal of permits.

The probable fiscal implication of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Administrative Cost Out of the State Highway Fund</u>	<u>Probable Revenue Gain to the State Highway Fund</u>	<u>Change in Number of State Employees from FY 1985</u>
1986	\$776,364	\$776,364	+ 24
1987	776,364	776,364	+ 24
1988	776,364	776,364	+ 24
1989	776,364	776,364	+ 24
1990	776,364	776,364	+ 24

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.


Jim Oliver
Director

Source: Department of Highways and Public Transportation;
Comptroller of Public Accounts; Texas Municipal
League; LBB Staff: JO, JH, AL, LV

1 By: Messer, et al. (Senate Sponsor - Uribe) H.B. No. 1330
2 (In the Senate - Received from the House April 25, 1985;
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5 Substitute; May 21, 1985, sent to printer.)

6 COMMITTEE SUBSTITUTE FOR H.B. No. 1330

By: McFarland

7 A BILL TO BE ENTITLED
8 AN ACT

9 relating to state and local regulation of outdoor signs.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

11 ARTICLE 1

12 SECTION 1. LEGISLATIVE INTENT. (a) This article is not
13 intended to require a municipality to provide for the relocation,
14 reconstruction, or removal of any sign in the municipality, nor is
15 it intended to prohibit a municipality from requiring the
16 relocation, reconstruction, or removal of any sign. This article
17 is intended only to authorize a municipality to take that action
18 and to establish the procedure by which the municipality may do so.

19 (b) This article is not intended to require a municipality
20 to make a cash payment to compensate the owner of a sign that the
21 municipality requires to be relocated, reconstructed, or removed.
22 Cash payment is established as only one of several methods from
23 which a municipality may choose in compensating the owner of a
24 sign.

25 (c) This article is not intended to affect any eminent
26 domain proceeding in which the taking of a sign is only an
27 incidental part of the exercise of the eminent domain power.

28 SECTION 2. DEFINITIONS. In this article:

29 (1) "Sign" means an outdoor structure, sign, display, light
30 device, figure, painting, drawing, message, plaque, poster,
31 billboard, or other thing that is designed, intended, or used to
32 advertise or inform.

33 (2) "On-premise sign" means a freestanding sign identifying
34 or advertising a business, person, or activity, and installed and
35 maintained on the same premises as the business, person, or
36 activity.

37 (3) "Off-premise sign" means a sign displaying advertising
38 copy that pertains to a business, person, organization, activity,
39 event, place, service, or product not principally located or
40 primarily manufactured or sold on the premises on which the sign is
41 located.

42 (4) "Municipality" means an incorporated city, town, or
43 village, including a home-rule city.

44 SECTION 3. MUNICIPAL BOARD. (a) If a municipality requires
45 the relocation, reconstruction, or removal of a sign within its
46 corporate limits, the presiding officer of the governing body of
47 the municipality shall appoint a municipal board on sign control.
48 The board must be composed of the following persons:

49 (1) two persons who must be real estate appraisers
50 registered with the Society of Real Estate Appraisers;

51 (2) one person who must be engaged in the sign business in
52 the municipality;

53 (3) one person who must be an employee of the State
54 Department of Highways and Public Transportation and must be
55 familiar with real estate valuations in eminent domain proceedings;
56 and

57 (4) one person who must be an architect or a landscape
58 architect licensed by this state.

59 (b) A member of the board is appointed for a term of two
60 years.

61 (c) The board has the powers and duties given to it by this
62 article.

63 SECTION 4. RELOCATION, RECONSTRUCTION, OR REMOVAL OF
64 SIGN: COMPENSATION OF OWNER. (a) Subject to the requirements of
65 this article, a municipality may require the relocation,
66 reconstruction, or removal of any sign within its corporate limits.

67 (b) The owner of a sign that is required to be relocated,
68 reconstructed, or removed is entitled to be compensated by the

1 municipality as provided by this section for costs associated with
2 the relocation, reconstruction, or removal. The municipal board on
3 sign control shall determine under this section the amount of the
4 compensation. The determination shall be made after the owner of
5 the sign is given the opportunity for a hearing before the board
6 about the issues involved in the matter.

7 (c) For a sign that is required to be relocated, compensable
8 costs include the expenses of dismantling the sign, transporting it
9 to another site, and reerecting it, determined according to the
10 standards and procedures applicable in a proceeding under Chapter
11 21, Property Code. In addition, the municipality shall issue to
12 the owner an appropriate permit or other authority to operate at an
13 alternative site of substantially equivalent value a substitute
14 sign of the same type and compensate the owner for any increased
15 operating costs (including increased rent) at the new location.
16 The owner is responsible for designating the alternative site.
17 Whether an alternative site is of substantially equivalent value is
18 determined by standards generally accepted in the outdoor
19 advertising industry, including visibility, traffic count, and
20 demographic factors.

21 (d) For a sign that is required to be reconstructed,
22 compensable costs include expenses of labor and materials and any
23 loss in the value of the sign because of the reconstruction,
24 determined according to standards and procedures applicable in a
25 proceeding under Chapter 21, Property Code.

26 (e)(1) For an off-premise sign that is required to be
27 removed, the compensable cost is an amount computed by determining
28 the average annual gross revenue received by the owner from the
29 sign during the two years immediately preceding the month in which
30 the removal date for the sign occurs and by multiplying that amount
31 by three. If the sign has not been in existence for the entire
32 two-year period, the compensable cost is an amount computed by
33 dividing 12 by the number of months that the sign has been in
34 existence, multiplying that result by the total amount of the gross
35 revenue received for the period that the sign has been in
36 existence, and multiplying that result by three. In determining
37 the amounts under this paragraph, a sign is treated as if it were
38 in existence for the entire month if it was in existence for more
39 than 15 days of the month and is treated as if it were not in
40 existence for any part of the month if it was in existence for 15
41 or fewer days of the month.

42 (2) For an on-premise sign that is required to be removed,
43 the compensable cost is an amount computed by determining a
44 reasonable balance between the original cost of the sign, less
45 depreciation, and the current replacement cost of the sign, less an
46 adjustment for the present age and condition of the sign.

47 (f) If a sign is required to be removed, the owner of the
48 real property on which the sign was located is entitled to be
49 compensated for the decrease in the value of the real property.
50 The compensable cost is to be determined according to standards and
51 procedures applicable in a proceeding under Chapter 21, Property
52 Code.

53 SECTION 5. METHOD OF COMPENSATION. (a) In order to pay the
54 compensable costs required under Section 4 of this article, the
55 governing body of any municipality is authorized to utilize only
56 the following methods prescribed by this section, or a combination
57 of those methods.

58 (b) The municipality, acting pursuant to the Property
59 Redevelopment and Tax Abatement Act (Article 1066f, Vernon's Texas
60 Civil Statutes), may abate municipal property taxes that otherwise
61 would be owed by the owner of a sign that is required to be
62 relocated or reconstructed. The abated taxes may be on any real or
63 personal property owned by the owner of the sign except residential
64 property. The right to the abatement of taxes is assignable by the
65 holder, and the assignee may use the right to abatement with
66 respect to taxes on any nonresidential property in the same taxing
67 jurisdiction. In any municipality where tax abatement is utilized
68 in order to pay compensable costs, such costs shall include
69 reasonable interest and such abatement period shall not exceed five
70 years.

(c) The municipality may allocate all or any part of the municipal property taxes paid on signs, on the real property upon which the signs are located, or on other real or personal property owned by the owner of the sign to a special fund in the municipal treasury, to be known as the sign abatement and community beautification fund, and make payments from that fund to reimburse compensable costs to owners of signs required to be relocated, reconstructed, or removed.

(d) The municipality may provide for the issuance of sign abatement revenue bonds and use the proceeds to make payments to reimburse costs to the owners of signs required to be relocated, reconstructed, or removed. The municipality may only use the proceeds from such bonds for the removal, relocation, or reconstruction of signs within the corporate limits of such municipality.

(e) The municipality may pay compensable costs in cash.

(f) In any proceeding in which the reasonableness of compensation is at issue and the compensation is to be provided over a period longer than one year, the court shall consider whether the duration of the period is reasonable under the circumstances.

(g) If application of a municipal regulation would require reconstruction of a sign in a manner that would make it ineffective for its intended purpose, such as by substantially impairing the sign's visibility, application of the regulation is treated as the required removal of the sign for purposes of this article.

(h) In lieu of paying compensation, a city may exempt from required relocation, reconstruction, or removal those signs lawfully in place on the effective date of the requirement.

SECTION 6. SPECIAL PROVISIONS FOR SIGNS UNDER SIGN ORDINANCE ON CERTAIN DATE. (a) If, on June 1, 1985, a municipality has in effect an ordinance requiring the relocation, reconstruction, or removal of any sign and if the ordinance provides for compensating a sign owner under an amortization plan, the compensation for a sign's relocation, reconstruction, or removal is to be determined under this section instead of under Section 4 of this article.

(b) The municipal board on sign control shall compile a list of the signs that, on September 1, 1985, are not in compliance with the sign ordinance. The board shall compile the list before December 1, 1985.

(c) Before December 15, 1985, the board shall have made a diligent effort to mail a written notice to the owner of each sign on the list. The notice must be sent through the United States Postal Service. The notice must state that the sign is on the list of signs that are not in compliance with the sign ordinance, must describe the sign by general type and by location, and must describe the action that is required of the owner under Subsection (d) of this section. If either the identification of an owner of a sign on the list or the address of the owner cannot be determined by the board after the board has made a diligent effort to do so, the board, before December 15, 1985, shall cause a notice to be published in a newspaper of general circulation in the municipality. The newspaper notice must contain information similar to that required to be in the personal written notice.

(d) Before February 1, 1986, the owner of a sign that is on the list compiled by the board shall file with the board a record of the owner's signs that the owner determines can be brought into compliance with the sign ordinance at a cost of 15 percent or less of the value of the sign and also shall file another record of the signs that the owner determines cannot be brought into compliance at that cost. If an owner fails to file the required information about a sign, the board shall treat the sign as if the owner had recorded it as being unable to be brought into compliance at the cost of 15 percent or less.

(e) Before March 15, 1986, the board shall verify the records filed with the board under Subsection (d) of this section. If the board questions an owner's determination made under Subsection (d), the board shall obtain three competitive bids regarding the cost at which the sign can be brought into compliance with the sign ordinance. After receiving the bids, the board may

1 make its own determination regarding the sign. The verification,
 2 including any determination the board may make as authorized by
 3 this subsection, may be made only after the owner of the signs is
 4 given an opportunity for a hearing before the board about the
 5 issues involved in the matter. As part of the verification process
 6 the board shall appraise the value of the signs at market value.

7 (f) Of an owner's signs that the board verifies can be
 8 brought into compliance at the cost of 15 percent or less, the
 9 board shall permit the owner to keep one-half of those signs as
 10 nonconforming uses and shall require the other one-half to be
 11 brought into compliance at no cost to the municipality. If an
 12 owner has an odd number of signs involved, the one additional sign
 13 that prevents an exact one-half division shall be added to the
 14 number of signs permitted as nonconforming uses. In making its
 15 determination of which signs to permit as nonconforming uses and
 16 which to require to be brought into compliance, the board shall
 17 consider the requests of the owner and shall consider other
 18 relevant factors, including factors such as geography, density,
 19 value, traffic flow, and cost of compliance.

20 (g) The signs that are required to be brought into
 21 compliance are subject to the following schedule:

22 (1) one-third of those signs must be brought into compliance
 23 before July 1, 1986;

24 (2) another one-third of those signs must be brought into
 25 compliance before July 1, 1987; and

26 (3) the remaining one-third must be brought into compliance
 27 before July 1, 1988.

28 (h) For signs that the board verifies cannot be brought into
 29 compliance at the cost of 15 percent or less, the board shall
 30 determine the entire useful life of those signs by type or
 31 category, such as the categories of mono-pole signs, metal signs,
 32 and wood signs. For those signs, the governing body of the
 33 municipality may:

34 (1) permit the signs to be kept in place as nonconforming
 35 uses for a period computed by taking the entire useful life of the
 36 sign, subtracting from that useful life the period that the sign
 37 has been under the municipality's amortization plan, and
 38 multiplying that result by 65 percent; or

39 (2) pay the sign owner, by one of the methods described by
 40 Section 5 of this article, 65 percent of the compensable costs of
 41 the relocation, reconstruction, or removal of the sign, as those
 42 costs are determined under Section 4 of this article.

43 (i) For each sign that cannot be brought into compliance at
 44 the cost of 15 percent or less, the board shall file with the
 45 appropriate property tax appraisal office the board's market value
 46 appraisal of the sign. The board shall file the information on or
 47 before March 15, 1986. The appraisal office shall consider the
 48 board's appraisal when the office, for property tax purposes,
 49 determines in 1986 and later years the appraised value of the real
 50 property to which the sign is attached.

51 SECTION 7. EXCEPTIONS. (a) The requirements of this
 52 article do not apply to any sign that was erected in violation of
 53 local ordinances, laws, or regulations applicable at the time of
 54 its erection.

55 (b) The requirements of this article do not apply to a sign
 56 that, having been permitted to remain in place as a nonconforming
 57 use, is required to be removed by a municipality because the sign,
 58 or a substantial part of it, is blown down or otherwise destroyed
 59 or dismantled for any purpose other than maintenance operations or
 60 for changing the letters, symbols, or other matter on the sign.

61 (c) For purposes of Subsection (b) of this section, a sign
 62 or substantial part of it is considered to have been destroyed only
 63 if the cost of repairing the sign is more than 60 percent of the
 64 cost of erecting a new sign of the same type at the same location.

65 (d) This article does not apply to an off-premise sign that
 66 is erected and maintained in compliance with the highway
 67 beautification provisions contained in Article IV, Texas Litter
 68 Abatement Act (Article 4477-9a, Vernon's Texas Civil Statutes).

69 ARTICLE 2

70 SECTION 1. LEGISLATIVE INTENT. It is the intent of the

1 legislature to promote and control the reasonable, orderly, and
2 effective display of outdoor advertising on all highways and roads
3 located outside the corporate limits of cities, towns, and villages
4 in Texas to promote the recreational value of public travel, and to
5 preserve natural beauty.

6 SECTION 2. DEFINITIONS. In this article:

7 (1) "Commission" means the State Highway and Public
8 Transportation Commission.

9 (2) "Rural road" means a road, street, way, thoroughfare, or
10 bridge that is located in an unincorporated area and is not
11 privately owned or controlled, any part of which is open to the
12 public for vehicular traffic, and over which the state or any of
13 its political subdivisions have jurisdiction.

14 (3) "Sign" means an outdoor structure, sign, display, light
15 device, figure, painting, drawing, message, plaque, poster,
16 billboard, or other thing that is designed, intended, or used to
17 advertise or inform and that is visible from the main-travelled way
18 of a rural road.

19 (4) "On-premise sign" means a freestanding sign identifying
20 or advertising a business, person, or activity, and installed and
21 maintained on the same premises as the business, person, or
22 activity.

23 (5) "Off-premise sign" means a sign displaying advertising
24 copy that pertains to a business, person, organization, activity,
25 event, place, service, or product not principally located or
26 primarily manufactured or sold on the premises on which the sign is
27 located.

28 (6) "Person" means an individual, association, or
29 corporation.

30 (7) "Portable sign" means a sign designed to be mounted on a
31 trailer, bench, wheeled carrier, or other nonmotorized mobile
32 structure.

33 SECTION 3. SPACING REQUIREMENTS. (a) An off-premise sign
34 having a face area of 301 square feet or more may not be erected
35 within 1,500 feet of another off-premise sign on the same side of
36 the roadway.

37 (b) An off-premise sign having a face area of at least 100
38 but less than 301 square feet may not be erected within 500 feet of
39 another off-premise sign on the same side of the roadway.

40 (c) An off-premise sign having a face area of less than 100
41 square feet may not be erected within 300 feet of another
42 off-premise sign on the same side of the roadway.

43 (d) For purposes of this section, each double-faced,
44 back-to-back, or V-type sign is treated as a single sign.

45 (e) Signs located at the same intersection are not in
46 violation of this section because of their nearness to one another
47 if they are located so that their messages are directed toward
48 traffic flowing in different directions.

49 SECTION 4. HEIGHT RESTRICTIONS. An on-premise or
50 off-premise sign may not be erected that exceeds an overall height
51 of 42-1/2 feet, excluding cutouts extending above the rectangular
52 border, measured from the highest point on the sign to the grade
53 level of the roadway from which the sign is to be viewed. A roof
54 sign having a tight or solid surface may not at any point exceed 24
55 feet above the roof level. Open roof signs in which the uniform
56 open area is not less than 40 percent of total gross area may be
57 erected to a height of 40 feet above the roof level. The lowest
58 point on a projecting sign must be at least 14 feet above grade.

59 SECTION 5. FACE RESTRICTIONS. An on-premise sign, other
60 than an on-premise wall sign, may not be erected that has a face
61 area exceeding 400 square feet, including cutouts but excluding
62 uprights, trim, and apron. An off-premise sign may not be erected
63 that has a face area exceeding 672 square feet, excluding cutouts,
64 uprights, trim, and apron. Neither an on-premise nor an
65 off-premise sign may have a cutout with an area larger than 20
66 percent of the sign's surface copy area.

67 SECTION 6. DETERMINATION OF SIZE. For signs of a
68 double-faced, back-to-back, or V-type nature, each face is
69 considered a separate sign in computing the face area.

70 SECTION 7. WIND LOADS; LOCATION AND ANCHORING OF PORTABLE

SIGNS. (a) Each on-premise or off-premise sign erected or sited must be designed to resist wind loads as follows:

<u>WIND LOAD PRESSURES IN POUNDS</u>	
<u>PER SQUARE FOOT FOR ALL SIGNS</u>	
<u>Height, in feet</u>	<u>Pressure,</u>
<u>above ground, as</u>	<u>pounds per</u>
<u>measured above the</u>	<u>square foot</u>
<u>average level of</u>	
<u>the ground adjacent</u>	
<u>to the structure</u>	
0 - 30	20
31 - 50	25
51 - 99	35
100 - 199	45
200 - 299	50
300 - 399	55
400 - 500	60
501 - 800	70
Over 800	77

(b) A person may not place a portable sign on property of another without first obtaining written permission from the owner or the owner's authorized agent.

SECTION 8. NUMBER OF ON-PREMISE SIGNS. A business may not maintain more than five on-premise signs per each frontage on a single rural road at a single business location.

SECTION 9. ADMINISTRATION OF ARTICLE; RULEMAKING. (a) The commission shall administer and enforce this article and shall adopt rules to regulate the erection or maintenance of signs covered under this article. The commission shall adopt rules specifying the time for and manner of applying for a permit, the form of the permit application, and the information that must be included in a permit application.

(b) The commission by rule may require every applicant for a permit to file with the commission a surety bond or other security in a reasonable amount and payable to the commission to reimburse it for the cost of removing a sign unlawfully erected or maintained by a permittee. A rule adopted under this section must provide for exemption from the requirement of furnishing a bond or security for an applicant who has held five or more permits under this article for at least one year and has not violated this article or a rule adopted under this article during the preceding 12-month period. Any person engaged primarily in the business of erecting signs that advertise companies located or products sold on the premises on which the signs are erected must file with the commission a surety bond in the amount of at least \$100,000 and payable to the commission to reimburse it for the cost of removing a sign unlawfully erected or maintained by the person; a person may not be exempted from this requirement.

(c) The commission may revoke a permit issued under this article if the permittee:

(1) violates any provision or requirement of this article; or

(2) violates a commission rule adopted under this article.

(d) A person whose permit is revoked may appeal the revocation to a district court in Travis County. The appeal must be taken not later than the 15th day after the date of the commission's action.

(e) The commission shall issue a permit to a person whose application complies with the commission's rules and whose sign, if erected, would comply with the requirements of this article.

(f) The commission shall provide for a board of variance which may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the provisions of this article.

SECTION 9A. REGULATION IN CITY EXTRATERRITORIAL JURISDICTION. Any municipality may extend the provisions of its outdoor sign regulatory ordinance and enforce such ordinance within its area of extraterritorial jurisdiction as otherwise provided by law. However, any municipality, in lieu of such regulatory ordinances, may allow the commission to regulate outdoor signs in

1 said city's extraterritorial jurisdiction by filing a written
2 notice with the commission.

3 SECTION 10. PERMIT FOR ERECTION OF SIGN. A person may not
4 erect an off-premise sign that is visible from the main-travelled
5 way of a rural road without having first obtained a permit from the
6 commission. A permit issued under this section is valid for one
7 year. The commission by rule shall prescribe fees for the issuance
8 of permits in amounts determined by the commission to be sufficient
9 to enable the commission to recover the costs of enforcement of
10 this article. Fees collected under this section shall be deposited
11 in the state treasury and may be used only for the enforcement of
12 this article. Except as authorized pursuant to this Act, no permit
13 may be issued for an off-premise sign unless such sign is to be
14 located within 800 feet of one or more recognized commercial or
15 industrial business activities and located on the same side of the
16 roadway as such business.

17 SECTION 11. REPLACEMENT OR REPAIR OF SIGN. (a) When any
18 sign, or a substantial part of it, is blown down or otherwise
19 destroyed or taken down or removed for any purpose other than
20 maintenance operations or for changing the letters, symbols, or
21 other matter on the sign, it may not be reerected, reconstructed,
22 or rebuilt except in full conformance with the provisions and
23 requirements of this article.

24 (b) For purposes of Subsection (a) of this section, a sign
25 or substantial part of it is considered to have been destroyed only
26 if the cost of repairing the sign is more than 50 percent of the
27 cost of erecting a new sign of the same type at the same location.

28 SECTION 12. EXEMPTIONS. (a) The following are exempt from
29 this article:

30 (1) a sign the erection and maintenance of which is allowed
31 under the highway beautification provisions contained in Article
32 IV, Texas Litter Abatement Act (Article 4477-9a, Vernon's Texas
33 Civil Statutes);

34 (2) a sign in existence before the effective date of this
35 article;

36 (3) a sign that has as its purpose the protection of life
37 and property;

38 (4) a directional or other official sign authorized by law,
39 including a sign pertaining to natural wonders or scenic or
40 historic attractions;

41 (5) a sign or marker giving information about the location
42 of underground electric transmission lines, telegraph or telephone
43 properties and facilities, pipelines, public sewers, or waterlines;

44 (6) a sign erected by an agency of the state or a political
45 subdivision of the state; and

46 (7) a sign erected solely for and relating to a public
47 election, but only if:

48 (A) the sign is on private property;

49 (B) the sign is erected no sooner than the 60th day before
50 the election and is removed no later than the 10th day after the
51 election;

52 (C) the sign is constructed of lightweight material; and

53 (D) the surface area of the sign is not larger than 50
54 square feet.

55 (b) The following are exempt from the requirements of
56 Section 5 of this article:

57 (1) signs advertising the sale or lease of property on which
58 they are located; and

59 (2) on-premise wall signs.

60 (c) The exemption provided by Subsection (a)(2) of this
61 section does not exempt a sign from Section 13 of this article to
62 the extent that section applies.

63 SECTION 13. EXISTING OFF-PREMISE SIGNS. Not later than the
64 120th day after the effective date of this article each owner of an
65 off-premise sign erected before the effective date of this article
66 that is visible from the main-travelled way of a rural road shall
67 either remove the sign or register the sign with the commission.
68 The owner must pay a fee of \$25 for each sign that is registered.
69 This registration is valid for one year, but is renewable for an
70 annual fee of \$10 a sign, provided however, the commission may by

1 regulation provide for a longer renewal period not to exceed five
2 years.

3 SECTION 14. CIVIL AND ADMINISTRATIVE PENALTIES. (a) A
4 person who intentionally violates this article or a rule adopted by
5 the commission under this article is liable to the state for a
6 civil penalty. The attorney general or a county or district
7 attorney may sue to collect the penalty.

8 (b) The amount of the civil penalty is not less than \$150
9 nor more than \$1,000 for each violation, depending on the
10 seriousness of the violation. A separate civil penalty may be
11 collected for each day on which a continuing violation occurs.

12 (c) In lieu of a suit to collect a civil penalty, the
13 commission may, after notice and an opportunity for hearing before
14 the commission, assess an administrative penalty against a person
15 who intentionally violates this article or a rule adopted by the
16 commission under this article. The amount of an administrative
17 penalty may not exceed the maximum amount of a civil penalty under
18 this section. A continuing violation is subject to separate
19 administrative penalties in the same manner as it is subject to
20 separate civil penalties. A proceeding on the assessment of an
21 administrative penalty under this subsection is a contested case
22 for purposes of the Administrative Procedure and Texas Register Act
23 (Article 6252-13a, Vernon's Texas Civil Statutes). On appeal of
24 the assessment of an administrative penalty under this subsection,
25 the manner of review is by trial de novo.

26 (d) If it is shown at the trial for collection of a civil
27 penalty under this section or on appeal of an administrative
28 penalty under this section that a judgment for a civil penalty, or
29 a final order, not timely appealed, or a judgment for an
30 administrative penalty, was previously assessed against the person,
31 in addition to any penalty that may be assessed for the subsequent
32 violation the court shall order the revocation of any permit held
33 by the person for the location at which the subsequent violation
34 occurred.

35 (e) Civil and administrative penalties collected under this
36 article shall be deposited in the state treasury to the credit of
37 the state highway fund.

38 SECTION 15. DISPOSITION OF FEES. Except as provided by
39 Section 10 of this article, permit or registration fees collected
40 by the commission under this article shall be deposited in the
41 state treasury to the credit of the state highway fund.

42 SECTION 16. AUTHORITY OF CERTAIN COUNTIES OVER OFF-PREMISE
43 PORTABLE SIGNS. (a) Notwithstanding any other provision of this
44 article, the commissioners court of a county with a population of
45 1.7 million or more, according to the most recent federal census,
46 has exclusive authority to prohibit off-premise portable signs in
47 the unincorporated area of the county and to regulate the following
48 matters in that area:

49 (1) the location, height, size, and anchoring of off-premise
50 portable signs; and

51 (2) other matters relating to the use of off-premise
52 portable signs.

53 (b) If a county prohibition or regulation adopted under this
54 section conflicts with state law or with a rule adopted under state
55 law by a state agency, the county prohibition or regulation
56 prevails.

57 (c) The appropriate attorney representing the county in the
58 district court may seek injunctive relief to prevent the violation
59 or threatened violation of a prohibition or regulation adopted
60 under this section.

61 (d) The commissioners court may define an offense for the
62 violation of a prohibition or regulation adopted under this
63 section. If the commissioners court defines an offense, the
64 offense is a Class C misdemeanor. The offense is prosecuted in the
65 same manner as an offense defined by state law.

66 ARTICLE 3

67 SECTION 1. Section 3, Property Redevelopment and Tax
68 Abatement Act (Article 1066f, Vernon's Texas Civil Statutes), is
69 amended to read as follows:

70 Sec. 3. DESIGNATION OF REINVESTMENT ZONES. (a) To be

designated as a reinvestment zone, an area must:

(1) substantially impair or arrest the sound growth of a city or town, retard the provision of housing accommodations, or constitute an economic or social liability and be a menace to the public health, safety, morals, or welfare in its present condition and use by reason of the presence of a substantial number of substandard, slum, deteriorated, or deteriorating structures; predominance of defective or inadequate sidewalk or street layout; faulty lot layout in relation to size, accessibility, or usefulness; unsanitary or unsafe conditions; deterioration of site or other improvements; tax or special assessment delinquency exceeding the fair value of the land; defective or unusual conditions of title; the existence of conditions that endanger life or property by fire or other cause; or any combination of these factors or conditions;

(2) be predominantly open and, because of obsolete platting or deterioration of structures or site improvements, or other factors, substantially impair or arrest the sound growth of the city or town;

(3) be in a federally assisted new community located within a home-rule city or in an area immediately adjacent to the federally assisted new community;

(4) be located wholly within an area which meets the requirements for federal assistance under Section 119 of the Housing and Community Development Act of 1974; [e*]

(5) encompass signs, billboards, and other outdoor advertising structures designated by the governing body of the incorporated city or town for relocation, reconstruction, or removal for the purpose of enhancing the physical environment of the city or town, which the legislature hereby declares to be a public purpose; or

(6) be designated a local or state-federal enterprise zone under the Texas Enterprise Zone Act.

(b) For the purposes of Subdivision (3) of Subsection (a) of this section, a federally assisted new community is a federally assisted area that received or will receive assistance in the form of loan guarantees under Title X of the National Housing Act and a portion of the federally assisted area has received grants under Section 107(a)(1) of the Housing and Community Development Act of 1974.

(c) The governing body of an incorporated city or town may designate, by boundaries, as a reinvestment zone any area, or real or personal property whose use is directly related to the business of outdoor advertising, within the taxing jurisdiction of the city or town that the governing body finds to satisfy the requirements of Subsection (a) of this section, subject to the limitations set forth by Section 4 of this Act. The governing body of an incorporated city or town shall designate a reinvestment zone eligible for residential property tax abatement, or commercial-industrial tax abatement, or tax incentive financing as provided for in the Texas Tax Increment Financing Act of 1981 (Article 1066e, Vernon's Texas Civil Statutes) [S.B. - No. -167-67th Legislature, 1st Called Session, 1981].

ARTICLE 4

SECTION 1. EFFECTIVE DATE. This Act takes effect September 1, 1985.

SECTION 2. EFFECT OF PARTIAL INVALIDITY. (a) The legislature declares that it would not have enacted this Act without the inclusion of Section 5(a) of Article 1, to the extent that provision excludes modes of compensation not specifically authorized by that provision. If this exclusion of alternative modes of compensation is for any reason held invalid by a final judgment of a court of competent jurisdiction, the remainder of this Act is void.

(b) Except as provided by Subsection (a) of this section, this Act is severable as provided by Chapter 45, Acts of the 63rd Legislature, Regular Session, 1973 (Article 11a, Vernon's Texas Civil Statutes).

SECTION 3. COURT-APPROVED SETTLEMENT. Nothing in this Act affects a court-approved settlement entered into before the

1 effective date of this Act in any litigation in a court of the
2 United States involving the validity of municipal regulation of
3 signs. To the extent a provision of this Act conflicts with the
4 terms of such a settlement, the terms of the settlement prevail.

5 SECTION 4. EMERGENCY. The importance of this legislation
6 and the crowded condition of the calendars in both houses create an
7 emergency and an imperative public necessity that the
8 constitutional rule requiring bills to be read on three several
9 days in each house be suspended, and this rule is hereby suspended.

10 * * * * *

11 Austin, Texas
12 May 21, 1985

13 Hon. William P. Hobby
14 President of the Senate

15 Sir:

16 We, your Committee on State Affairs to which was referred H.B. No.
17 1330, have had the same under consideration, and I am instructed to
18 report it back to the Senate with the recommendation that it do not
19 pass, but that the Committee Substitute adopted in lieu thereof do
20 pass and be printed.

21 Farabee, Chairman

COMMITTEE HISTORY

COMMITTEE: STATE AFFAIRS

DATE: 5-22-85

CS HB 1330 was reported back to the Senate as follows:
(Bill Number)

- ☐ Without amendments
☒ With amendments
☐ With Committee Substitute

Fiscal Implications: ☐ Yes
☐ No

Actuarial Implications: ☐ Yes
☐ No

	AYE	NAY	PNV	ABSENT
Kothmann	✓			
Blake	✓			
Brooks	✓			
Edwards		✓		
Harris	✓			
Henderson	✓			
Howard				✓
Leedom	✓			
Lvon	✓			
McFarland	✓			
Sarpalius	✓			
Washington		✓		
Farabee, Chair	✓			
TOTAL	10	2		1

C.S.H.B. 1330 by Messer/URIBE

Relating to state and local regulation of outdoor signs.

Background Information:

In order to reduce visual pollution, many cities have enacted billboard ordinances regulating the size, height, spacing and location of billboards. Most of these ordinances provide a phasing-out or "amortization period" for billboards that do not comply with the ordinance, which allows billboard owners to obtain a recoupment of investment for that period (typically 6 years) before having to comply with the ordinance. The amortization process in billboard ordinances has been upheld as a valid exercise of the police power of cities. See e.g. Lubbock Poster Co. v. City of Lubbock, 569 S.W.2d 935, cert. denied. 444 U.S. 833, 100 S.Ct. 63 (1979).

Problem(s) that the Bill Addresses:

1. Billboard owners do not feel that the amortization process adequately compensates them for their losses in complying with city billboard ordinances.
2. There is currently no comprehensive statute regulating outdoor advertising on highways or roads outside of cities, towns, or villages.

Purpose:

1. This bill requires cities to pay owners of billboards required to be removed; an amount equivalent to three times the average annual gross income for off-premise signs, and "a reasonable balance between" original cost and replacement cost for on-premise signs. If the sign is required to be altered or relocated, the city must pay the costs of such alteration or relocation, including any decrease in value. In addition, the city must compensate property owners for any decrease in value resulting from the removal of a billboard.

A different payment scheme is provided for billboard ordinances in effect on June 1, 1985, which distinguishes between billboards that can be brought into compliance with the ordinance "at a cost of 15 percent or less of the value of the sign" and those which "cannot be brought into compliance at that cost." Under this scheme, the owner may keep 1/2 of the signs that can comply at that cost as non-conforming uses, and must conform the other 1/2 at his expense. The owner of signs that cannot comply at that cost may be allowed to retain the signs for 65% of the "useful life" or may be reimbursed for 65% of the cost as determined under the original payment plan.

2. This bill provides for the regulation of signs outside the corporate limits of cities, towns, or villages by providing size, height, spacing, and other restrictions and by providing enforcement by the State Highway and Public Transportation Commission.

Section by Section Analysis:

ARTICLE I

SECTION 1: Legislative Intent

SECTION 2: Defines "sign," and "municipality," "on-premise sign," and "off-premise sign."

SECTION 3: Requires cities to establish a Municipal Board of sign control, composed of 5 members: 2 real estate appraisers, a person engaged in the sign business, a highway department employee familiar with real estate valuation, and an architect.

SECTION 4: (a) Allows a municipality to require the relocation, reconstruction, or removal of any sign within its corporate limits, subject to this article.

(b) Provides that an owner of a sign required to be relocated, reconstructed, or removed is entitled to be compensated as provided by this section, as determined by the board, after an opportunity for a hearing is provided.

(c) Relocation - compensation paid for relocating includes costs of dismantling, transporting, and reerecting, determined according to condemnation procedures. (Chapter 21, Property Code) The municipality is also required to issue a permit to operate at an alternate site, and compensate the owner for any increased costs.

(d) Reconstruction - compensation paid for reconstructing includes cost of labor and materials plus the decrease in the value of the sign, determined according to condemnation procedures.

(e) Removal - (1) off-premise sign: compensation paid for removal is the average annual gross income in the two years immediately prior to removal multiplied by three. (2) on premise sign: compensation paid for removal is "a reasonable balance between" the original cost of the sign, less depreciation, and the current replacement cost, less adjustment for age and condition of the sign.

(f) The owner of the land from which a sign is removed is entitled to compensation for loss in value of the land, determined according to condemnation procedures.

SECTION 5: Method of Compensation. The municipality may pay the compensation mandated by Section 2 by: abating property taxes otherwise owed by the sign owner; creating a "sign abatement and community beautification fund;" issuing sign abatement revenue bonds; or paying cash. A city may exempt signs from the ordinance in lieu of paying compensation.

SECTION 6: Special provision applicable to municipalities with a billboard ordinance providing for amortization, in effect on June 1, 1985: Compensation for relocation, reconstruction, or removal is to be determined under this section.

The board is to compile a list of non-conforming signs and notify the owners of the action to be taken.

Owners of the signs must notify the board whether or not the signs can be brought into compliance at a cost of 15% or less of the value of the sign.

The owner may keep 1/2 of the signs that can be brought into compliance at a cost of 15% or less as non-conforming signs. The other 1/2 must conform, at no cost to the city, according to a schedule.

If signs cannot conform at a cost of 15% or less, the board may: (1) permit the signs to remain as non-conforming uses for 65% of the useful life of the board (less time under an amortization plan); or (2) pay the owner 65% of the costs as determined under Section 4. The market value appraisal of these signs shall be filed with the tax office.

SECTION 7: This article applies only to signs erected before enactment of applicable ordinances.

This article does not apply to a sign required to be removed because it has been blown down or otherwise destroyed or to a sign that complies with the Texas Litter Abatement Act, Article 4477-9a.

ARTICLE II

SECTION 1: Legislative Intent - to control the display of outdoor advertising on highways and roads located outside corporate limits of cities, towns, or villages.

SECTION 2: Declares that if Section 5(a) of Article 1 (modes of compensation) is declared invalid, the remainder of the Act is void.

SECTION 3: This act does not affect a court-approved settlement entered into before the effective date.

SECTION 4: Emergency Clause.

Comparison Between Committee Substitute and Original Bill:

The Committee Substitute added new Sections: 1 (Legislative Intent), 3 (Municipal Board), and 6 (Alternate payment plan for ordinances in effect June 1, 1985).

In addition, the substitute provided a new payment method for removal of on- and off-premises signs, Section 4(e).

SECTION 2: Defines "Commission," "Rural road," "sign," "on-premise sign," "off-remise sign," "person," and "portable sign."

SECTION 3: Provides spacing requirements for off-premise or on-premise signs.

SECTION 4: Provides height restrictions for off-premise or on-premise signs.

SECTION 5: Provides face size restrictions for on-premise and off-premise signs.

SECTION 6: Provides for determination of sign face sizes.

SECTION 7: Provides minimum wind load pressure strengths for signs; prohibits the location of portable signs on property of another without prior permission.

SECTION 8: Provides that a business may not maintain more than five on-premise signs per each frontage at a single location.

SECTION 9: Provides for administration and enforcement by the State Highway and Public Transportation Commission, and grants the commission rulemaking authority regarding permits. Provides for surety bonds under certain circumstances.

SECTION 9A: Allows a city to extend its sign ordinance to its area of extraterritorial jurisdiction.

SECTION 10: Requires permits for off-premise signs, at a fee as determined by the commission.

SECTION 11: Replacements or repairs of signs must conform with this article.

SECTION 12: Exempts from this article signs allowed under the Texas Litter Abatement Act, Article 4477-9a; signs in existence before the effective date; (except as provided in Section 13) signs designed for "the protection of life and property;" directional signs; signs relating to underground cables, sewers, etc.; and certain election signs.

Exempts from Section 5 (face size restrictions) on-premise signs advertising the sale or lease of the property, and on-premise wall signs.

SECTION 13: Off-premise signs erected before the effective date of this act must either be removed or must comply with the act.

SECTION 14: Provides civil and administrative penalties for intentionally violating this article.

SECTION 15: Fees collected under this article are to be deposited to the state highway fund.

SECTION 16: Grants counties the exclusive authority to regulate and prohibit off-premise portable signs in unincorporated areas of the county.

ARTICLE III

SECTION 1: Amends Article 1066f, the Property Redevelopment and Tax Abatement Act to allow signs designated for removal, relocation, or reconstruction, to be designated as reinvestment zones.

ARTICLE IV

SECTION 1: Effective Date: September 1, 1985.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 10, 1985

Honorable Ray Farabee, Chairman
Committee on State Affairs
Senate Chamber
Austin, Texas

In Re: House Bill No. 1330, as engrossed
By: Messer

Sir:

In response to your request for a Fiscal Note on House Bill No. 1330, as engrossed (relating to state and local regulation of outdoor signs) this office has determined the following:

The bill would require those cities which regulate outdoor sign location through an amortization period to compensate sign owners retroactively for costs associated with relocation, reconstruction, or removal of signs. Nine cities currently enforce amortization periods for sign removal at the end of which a sign owner must meet city specifications at his own expense. The cost of this bill to these cities is not known but is expected to be significant. Houston officials anticipate a possible \$60 million cost for removal of its nonconforming outdoor signs.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would also authorize the State Department of Highways and Public Transportation to control and issue sign permits and renewals on all state and state political subdivision roads. Currently, the department only issues permits on interstate and federal aid primary roads and does not require renewal of permits.

The State Department of Highways and Public Transportation estimates that there are 10,000 existing signs with 300 new signs each year. The cost of administration and revenue are based on the statutory fee of \$25 with a renewal fee of \$10.00 on existing signs.

The revenue from fees would be deposited to the credit of the State Highway Fund and could be appropriated for administration of the Act. The estimated cost of administration, however, exceeds the estimated revenue from the fees. For purposes of this fiscal note it is assumed that other revenues transferred from the General Revenue Fund to the State Highway Fund could legally be used for administration of this Act if appropriated for that purpose, thereby avoiding the question of using constitutionally dedicated revenues.

The probable fiscal implication of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Administrative Cost Out of the State Highway Fund</u>	<u>Probable Revenue Gain to the State Highway Fund</u>	<u>Change in Number of State Employees from FY 1985</u>
1986	\$776,364	\$250,000	+ 24
1987	776,364	107,500	+ 24
1988	776,364	107,500	+ 24
1989	776,364	107,500	+ 24
1990	776,364	107,500	+ 24

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.



Jim Oliver
Director

Source: Department of Highways and Public Transportation;
Comptroller of Public Accounts; Texas Municipal
League; LBB Staff: JO, JH, AL, BL

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 4, 1985

Honorable Pete Laney, Chair
Committee on State Affairs
House of Representatives
Austin, Texas

In Re: House Bill No. 1330,
as amended
By: Messer

Sir:

In response to your request for a Fiscal Note on House Bill No. 1330, as amended (relating to state and local regulation of outdoor signs) this office has determined the following:

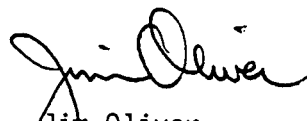
The bill would require those cities which regulate outdoor sign location through an amortization period to compensate sign owners retroactively for costs associated with relocation, reconstruction, or removal of signs. Nine cities currently enforce amortization periods for sign removal at the end of which a sign owner must meet city specifications at his own expense. The cost of this bill to these cities is not known but is expected to be significant. Houston officials anticipate a possible \$60 million cost for removal of its nonconforming outdoor signs.

The bill would also authorize the State Department of Highways and Public Transportation to control and issue sign permits and renewals on all state and state political subdivision roads. Currently, the department only issues permits on interstate and federal aid primary roads and does not require renewal of permits.

The probable fiscal implication of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Administrative Cost Out of the State Highway Fund</u>	<u>Probable Revenue Gain to the State Highway Fund</u>	<u>Change in Number of State Employees from FY 1985</u>
1986	\$776,364	\$776,364	+ 24
1987	776,364	776,364	+ 24
1988	776,364	776,364	+ 24
1989	776,364	776,364	+ 24
1990	776,364	776,364	+ 24

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.


Jim Oliver
Director

Source: Department of Highways and Public Transportation;
Comptroller of Public Accounts; Texas Municipal
League; LBB Staff: JO, JH, AL, LV

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 24, 1985

Honorable Pete Laney, Chair
Committee on State Affairs
House of Representatives
Austin, Texas

In Re: House Bill No. 1330
By: Messer

Sir:

In response to your request for a Fiscal Note on House Bill No. 1330 (relating to state and local regulation of outdoor signs) this office has determined the following:

The bill would require those cities which regulate outdoor sign location through an amortization period to compensate sign owners retroactively for costs associated with relocation, reconstruction, or removal of signs. Nine cities currently enforce amortization periods for sign removal at the end of which a sign owner must meet city specifications at his own expense. The cost of this bill to these cities is not known but is expected to be significant. Houston officials anticipate a possible \$60 million cost for removal of its nonconforming outdoor signs.

The bill would also authorize the State Department of Highways and Public Transportation to control and issue sign permits and renewals on all state and state political subdivision roads. Currently, the department only issues permits on interstate and federal aid primary roads and does not require renewal of permits.

The probable fiscal implication of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Administrative Cost Out of the State Highway Fund</u>	<u>Probable Revenue Gain to the State Highway Fund</u>	<u>Change in Number of State Employees from FY 1985</u>
1986	\$776,364	\$250,000	+ 24
1987	776,364	107,500	+ 24
1988	776,364	107,500	+ 24
1989	776,364	107,500	+ 24
1990	776,364	107,500	+ 24

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.


Jim Oliver
Director

Source: Department of Highways and Public Transportation;
Comptroller of Public Accounts; Texas Municipal
League; LBB Staff: JO, JH, AL, BL

69FHB1330

COMMITTEE SUBSTITUTE FORM

Austin, Texas

May 21, 1985

Date of report to Senate

Honorable William P. Hobby
President of the Senate

Sir:

Write

We, your Committee on State Affairs, to which was referred
H. B. No. 1330, have had the same under consideration, and I am instructed to report it back to the
Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu
thereof do pass and be printed.



Chairman Senator Ray Farabee

Paper clip TWO copies of the Committee Substitute and TWO copies of this form to the original bill and retain one copy of this form for your file.

COMMITTEE SUBSTITUTE FOR H.B. NO. 1330

BY:

McFarland

By: Messer

H.B. No. 1330

A BILL TO BE ENTITLED

AN ACT

relating to state and local regulation of outdoor signs.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1

SECTION 1. LEGISLATIVE INTENT. (a) This article is not intended to require a municipality to provide for the relocation, reconstruction, or removal of any sign in the municipality, nor is it intended to prohibit a municipality from requiring the relocation, reconstruction, or removal of any sign. This article is intended only to authorize a municipality to take that action and to establish the procedure by which the municipality may do so.

(b) This article is not intended to require a municipality to make a cash payment to compensate the owner of a sign that the municipality requires to be relocated, reconstructed, or removed. Cash payment is established as only one of several methods from which a municipality may choose in compensating the owner of a sign.

(c) This article is not intended to affect any eminent domain proceeding in which the taking of a sign is only an incidental part of the exercise of the eminent domain power.

SECTION 2. DEFINITIONS. In this article:

(1) "Sign" means an outdoor structure, sign, display, light device, figure, painting, drawing, message, plaque, poster, billboard, or other thing that is designed, intended, or used to advertise or inform.

ADOPTED

(2) "On-premise sign" means a freestanding sign identifying or advertising a business, person, or activity, and installed and maintained on the same premises as the business, person, or activity.

(3) "Off-premise sign" means a sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located.

(4) "Municipality" means an incorporated city, town, or village, including a home-rule city.

SECTION 3. MUNICIPAL BOARD. (a) If a municipality requires the relocation, reconstruction, or removal of a sign within its corporate limits, the presiding officer of the governing body of the municipality shall appoint a municipal board on sign control. The board must be composed of the following persons:

(1) two persons who must be real estate appraisers registered with the Society of Real Estate Appraisers;

(2) one person who must be engaged in the sign business in the municipality;

(3) one person who must be an employee of the State Department of Highways and Public Transportation and must be familiar with real estate valuations in eminent domain proceedings; and

(4) one person who must be an architect or a landscape architect licensed by this state.

1 (b) A member of the board is appointed for a term of two
2 years.

3 (c) The board has the powers and duties given to it by this
4 article.

5 SECTION 4. RELOCATION, RECONSTRUCTION, OR REMOVAL OF
6 SIGN: COMPENSATION OF OWNER. (a) Subject to the requirements of
7 this article, a municipality may require the relocation,
8 reconstruction, or removal of any sign within its corporate limits.

9 (b) The owner of a sign that is required to be relocated,
10 reconstructed, or removed is entitled to be compensated by the
11 municipality as provided by this section for costs associated with
12 the relocation, reconstruction, or removal. The municipal board on
13 sign control shall determine under this section the amount of the
14 compensation. The determination shall be made after the owner of
15 the sign is given the opportunity for a hearing before the board
16 about the issues involved in the matter.

17 (c) For a sign that is required to be relocated, compensable
18 costs include the expenses of dismantling the sign, transporting it
19 to another site, and reerecting it, determined according to the
20 standards and procedures applicable in a proceeding under Chapter
21 21, Property Code. In addition, the municipality shall issue to
22 the owner an appropriate permit or other authority to operate at an
23 alternative site of substantially equivalent value a substitute
24 sign of the same type and compensate the owner for any increased
25 operating costs (including increased rent) at the new location.
26 The owner is responsible for designating the alternative site.

Whether an alternative site is of substantially equivalent value is determined by standards generally accepted in the outdoor advertising industry, including visibility, traffic count, and demographic factors.

(d) For a sign that is required to be reconstructed, compensable costs include expenses of labor and materials and any loss in the value of the sign because of the reconstruction, determined according to standards and procedures applicable in a proceeding under Chapter 21, Property Code.

(e)(1) For an off-premise sign that is required to be removed, the compensable cost is an amount computed by determining the average annual gross revenue received by the owner from the sign during the two years immediately preceding the month in which the removal date for the sign occurs and by multiplying that amount by three. If the sign has not been in existence for the entire two-year period, the compensable cost is an amount computed by dividing 12 by the number of months that the sign has been in existence, multiplying that result by the total amount of the gross revenue received for the period that the sign has been in existence, and multiplying that result by three. In determining the amounts under this paragraph, a sign is treated as if it were in existence for the entire month if it was in existence for more than 15 days of the month and is treated as if it were not in existence for any part of the month if it was in existence for 15 or fewer days of the month.

(2) For an on-premise sign that is required to be removed,

1 the compensable cost is an amount computed by determining a
2 reasonable balance between the original cost of the sign, less
3 depreciation, and the current replacement cost of the sign, less an
4 adjustment for the present age and condition of the sign.

5 (f) If a sign is required to be removed, the owner of the
6 real property on which the sign was located is entitled to be
7 compensated for the decrease in the value of the real property.
8 The compensable cost is to be determined according to standards and
9 procedures applicable in a proceeding under Chapter 21, Property
10 Code.

11 SECTION 5. METHOD OF COMPENSATION. (a) In order to pay the
12 compensable costs required under Section 4 of this article, the
13 governing body of any municipality is authorized to utilize only
14 the following methods prescribed by this section, or a combination
15 of those methods.

16 (b) The municipality, acting pursuant to the Property
17 Redevelopment and Tax Abatement Act (Article 1066f, Vernon's Texas
18 Civil Statutes), may abate municipal property taxes that otherwise
19 would be owed by the owner of a sign that is required to be
20 relocated or reconstructed. The abated taxes may be on any real or
21 personal property owned by the owner of the sign except residential
22 property. The right to the abatement of taxes is assignable by the
23 holder, and the assignee may use the right to abatement with
24 respect to taxes on any nonresidential property in the same taxing
25 jurisdiction. In any municipality where tax abatement is utilized
26 in order to pay compensable costs, such costs shall include

1 reasonable interest and such abatement period shall not exceed five
2 years.

3 (c) The municipality may allocate all or any part of the
4 municipal property taxes paid on signs, on the real property upon
5 which the signs are located, or on other real or personal property
6 owned by the owner of the sign to a special fund in the municipal
7 treasury, to be known as the sign abatement and community
8 beautification fund, and make payments from that fund to reimburse
9 compensable costs to owners of signs required to be relocated,
10 reconstructed, or removed.

11 (d) The municipality may provide for the issuance of sign
12 abatement revenue bonds and use the proceeds to make payments to
13 reimburse costs to the owners of signs required to be relocated,
14 reconstructed, or removed. The municipality may only use the
15 proceeds from such bonds for the removal, relocation, or
16 reconstruction of signs within the corporate limits of such
17 municipality.

18 (e) The municipality may pay compensable costs in cash.

19 (f) In any proceeding in which the reasonableness of
20 compensation is at issue and the compensation is to be provided
21 over a period longer than one year, the court shall consider
22 whether the duration of the period is reasonable under the
23 circumstances.

24 (g) If application of a municipal regulation would require
25 reconstruction of a sign in a manner that would make it ineffective
26 for its intended purpose, such as by substantially impairing the

sign's visibility, application of the regulation is treated as the required removal of the sign for purposes of this article.

(h) In lieu of paying compensation, a city may exempt from required relocation, reconstruction, or removal those signs lawfully in place on the effective date of the requirement.

SECTION 6. SPECIAL PROVISIONS FOR SIGNS UNDER SIGN ORDINANCE ON CERTAIN DATE. (a) If, on June 1, 1985, a municipality has in effect an ordinance requiring the relocation, reconstruction, or removal of any sign and if the ordinance provides for compensating a sign owner under an amortization plan, the compensation for a sign's relocation, reconstruction, or removal is to be determined under this section instead of under Section 4 of this article.

(b) The municipal board on sign control shall compile a list of the signs that, on September 1, 1985, are not in compliance with the sign ordinance. The board shall compile the list before December 1, 1985.

(c) Before December 15, 1985, the board shall have made a diligent effort to mail a written notice to the owner of each sign on the list. The notice must be sent through the United States Postal Service. The notice must state that the sign is on the list of signs that are not in compliance with the sign ordinance, must describe the sign by general type and by location, and must describe the action that is required of the owner under Subsection (d) of this section. If either the identification of an owner of a sign on the list or the address of the owner cannot be determined by the board after the board has made a diligent effort to do so,

C.S.H.B. No. 1330

1 the board, before December 15, 1985, shall cause a notice to be
2 published in a newspaper of general circulation in the
3 municipality. The newspaper notice must contain information
4 similar to that required to be in the personal written notice.

5 (d) Before February 1, 1986, the owner of a sign that is on
6 the list compiled by the board shall file with the board a record
7 of the owner's signs that the owner determines can be brought into
8 compliance with the sign ordinance at a cost of 15 percent or less
9 of the value of the sign and also shall file another record of the
10 signs that the owner determines cannot be brought into compliance
11 at that cost. If an owner fails to file the required information
12 about a sign, the board shall treat the sign as if the owner had
13 recorded it as being unable to be brought into compliance at the
14 cost of 15 percent or less.

15 (e) Before March 15, 1986, the board shall verify the
16 records filed with the board under Subsection (d) of this section.
17 If the board questions an owner's determination made under
18 Subsection (d), the board shall obtain three competitive bids
19 regarding the cost at which the sign can be brought into compliance
20 with the sign ordinance. After receiving the bids, the board may
21 make its own determination regarding the sign. The verification,
22 including any determination the board may make as authorized by
23 this subsection, may be made only after the owner of the signs is
24 given an opportunity for a hearing before the board about the
25 issues involved in the matter. As part of the verification process
26 the board shall appraise the value of the signs at market value.

(f) Of an owner's signs that the board verifies can be brought into compliance at the cost of 15 percent or less, the board shall permit the owner to keep one-half of those signs as nonconforming uses and shall require the other one-half to be brought into compliance at no cost to the municipality. If an owner has an odd number of signs involved, the one additional sign that prevents an exact one-half division shall be added to the number of signs permitted as nonconforming uses. In making its determination of which signs to permit as nonconforming uses and which to require to be brought into compliance, the board shall consider the requests of the owner and shall consider other relevant factors, including factors such as geography, density, value, traffic flow, and cost of compliance.

(g) The signs that are required to be brought into compliance are subject to the following schedule:

(1) one-third of those signs must be brought into compliance before July 1, 1986;

(2) another one-third of those signs must be brought into compliance before July 1, 1987; and

(3) the remaining one-third must be brought into compliance before July 1, 1988.

(h) For signs that the board verifies cannot be brought into compliance at the cost of 15 percent or less, the board shall determine the entire useful life of those signs by type or category, such as the categories of mono-pole signs, metal signs, and wood signs. For those signs, the governing body of the

1 municipality may:

2 (1) permit the signs to be kept in place as nonconforming
3 uses for a period computed by taking the entire useful life of the
4 sign, subtracting from that useful life the period that the sign
5 has been under the municipality's amortization plan, and
6 multiplying that result by 65 percent; or

7 (2) pay the sign owner, by one of the methods described by
8 Section 5 of this article, 65 percent of the compensable costs of
9 the relocation, reconstruction, or removal of the sign, as those
10 costs are determined under Section 4 of this article.

11 (i) For each sign that cannot be brought into compliance at
12 the cost of 15 percent or less, the board shall file with the
13 appropriate property tax appraisal office the board's market value
14 appraisal of the sign. The board shall file the information on or
15 before March 15, 1986. The appraisal office shall consider the
16 board's appraisal when the office, for property tax purposes,
17 determines in 1986 and later years the appraised value of the real
18 property to which the sign is attached.

19 SECTION 7. EXCEPTIONS. (a) The requirements of this
20 article do not apply to any sign that was erected in violation of
21 local ordinances, laws, or regulations applicable at the time of
22 its erection.

23 (b) The requirements of this article do not apply to a sign
24 that, having been permitted to remain in place as a nonconforming
25 use, is required to be removed by a municipality because the sign,
26 or a substantial part of it, is blown down or otherwise destroyed

1 or dismantled for any purpose other than maintenance operations or
2 for changing the letters, symbols, or other matter on the sign.

3 (c) For purposes of Subsection (b) of this section, a sign
4 or substantial part of it is considered to have been destroyed only
5 if the cost of repairing the sign is more than 60 percent of the
6 cost of erecting a new sign of the same type at the same location.

7 (d) This article does not apply to an off-premise sign that
8 is erected and maintained in compliance with the highway
9 beautification provisions contained in Article IV, Texas Litter
10 Abatement Act (Article 4477-9a, Vernon's Texas Civil Statutes).

11 ARTICLE 2

12 SECTION 1. LEGISLATIVE INTENT. It is the intent of the
13 legislature to promote and control the reasonable, orderly, and
14 effective display of outdoor advertising on all highways and roads
15 located outside the corporate limits of cities, towns, and villages
16 in Texas to promote the recreational value of public travel, and to
17 preserve natural beauty.

18 SECTION 2. DEFINITIONS. In this article:

19 (1) "Commission" means the State Highway and Public
20 Transportation Commission.

21 (2) "Rural road" means a road, street, way, thoroughfare, or
22 bridge that is located in an unincorporated area and is not
23 privately owned or controlled, any part of which is open to the
24 public for vehicular traffic, and over which the state or any of
25 its political subdivisions have jurisdiction.

26 (3) "Sign" means an outdoor structure, sign, display, light

1 device, figure, painting, drawing, message, plaque, poster,
2 billboard, or other thing that is designed, intended, or used to
3 advertise or inform and that is visible from the main-travelled way
4 of a rural road.

5 (4) "On-premise sign" means a freestanding sign identifying
6 or advertising a business, person, or activity, and installed and
7 maintained on the same premises as the business, person, or
8 activity.

9 (5) "Off-premise sign" means a sign displaying advertising
10 copy that pertains to a business, person, organization, activity,
11 event, place, service, or product not principally located or
12 primarily manufactured or sold on the premises on which the sign is
13 located.

14 (6) "Person" means an individual, association, or
15 corporation.

16 (7) "Portable sign" means a sign designed to be mounted on a
17 trailer, bench, wheeled carrier, or other nonmotorized mobile
18 structure.

19 SECTION 3. SPACING REQUIREMENTS. (a) An off-premise sign
20 having a face area of 301 square feet or more may not be erected
21 within 1,500 feet of another off-premise sign on the same side of
22 the roadway.

23 (b) An off-premise sign having a face area of at least 100
24 but less than 301 square feet may not be erected within 500 feet of
25 another off-premise sign on the same side of the roadway.

26 (c) An off-premise sign having a face area of less than 100

1 square feet may not be erected within 300 feet of another
2 off-premise sign on the same side of the roadway.

3 (d) For purposes of this section, each double-faced,
4 back-to-back, or V-type sign is treated as a single sign.

5 (e) Signs located at the same intersection are not in
6 violation of this section because of their nearness to one another
7 if they are located so that their messages are directed toward
8 traffic flowing in different directions.

9 SECTION 4. HEIGHT RESTRICTIONS. An on-premise or
10 off-premise sign may not be erected that exceeds an overall height
11 of 42-1/2 feet, excluding cutouts extending above the rectangular
12 border, measured from the highest point on the sign to the grade
13 level of the roadway from which the sign is to be viewed. A roof
14 sign having a tight or solid surface may not at any point exceed 24
15 feet above the roof level. Open roof signs in which the uniform
16 open area is not less than 40 percent of total gross area may be
17 erected to a height of 40 feet above the roof level. The lowest
18 point on a projecting sign must be at least 14 feet above grade.

19 SECTION 5. FACE RESTRICTIONS. An on-premise sign, other
20 than an on-premise wall sign, may not be erected that has a face
21 area exceeding 400 square feet, including cutouts but excluding
22 uprights, trim, and apron. An off-premise sign may not be erected
23 that has a face area exceeding 672 square feet, excluding cutouts,
24 uprights, trim, and apron. Neither an on-premise nor an
25 off-premise sign may have a cutout with an area larger than 20
26 percent of the sign's surface copy area.

SECTION 6. DETERMINATION OF SIZE. For signs of a double-faced, back-to-back, or V-type nature, each face is considered a separate sign in computing the face area.

SECTION 7. WIND LOADS; LOCATION AND ANCHORING OF PORTABLE SIGNS. (a) Each on-premise or off-premise sign erected or sited must be designed to resist wind loads as follows:

WIND LOAD PRESSURES IN POUNDS
PER SQUARE FOOT FOR ALL SIGNS

<u>Height, in feet</u> <u>above ground, as</u> <u>measured above the</u> <u>average level of</u> <u>the ground adjacent</u> <u>to the structure</u>	<u>Pressure,</u> <u>pounds per</u> <u>square foot</u>
0 - 30	20
31 - 50	25
51 - 99	35
100 - 199	45
200 - 299	50
300 - 399	55
400 - 500	60
501 - 800	70
Over 800	77

(b) A person may not place a portable sign on property of another without first obtaining written permission from the owner or the owner's authorized agent.

1 SECTION 8. NUMBER OF ON-PREMISE SIGNS. A business may not
2 maintain more than five on-premise signs per each frontage on a
3 single rural road at a single business location.

4 SECTION 9. ADMINISTRATION OF ARTICLE; RULEMAKING. (a) The
5 commission shall administer and enforce this article and shall
6 adopt rules to regulate the erection or maintenance of signs
7 covered under this article. The commission shall adopt rules
8 specifying the time for and manner of applying for a permit, the
9 form of the permit application, and the information that must be
10 included in a permit application.

11 (b) The commission by rule may require every applicant for a
12 permit to file with the commission a surety bond or other security
13 in a reasonable amount and payable to the commission to reimburse
14 it for the cost of removing a sign unlawfully erected or maintained
15 by a permittee. A rule adopted under this section must provide for
16 exemption from the requirement of furnishing a bond or security for
17 an applicant who has held five or more permits under this article
18 for at least one year and has not violated this article or a rule
19 adopted under this article during the preceding 12-month period.
20 Any person engaged primarily in the business of erecting signs that
21 advertise companies located or products sold on the premises on
22 which the signs are erected must file with the commission a surety
23 bond in the amount of at least \$100,000 and payable to the
24 commission to reimburse it for the cost of removing a sign
25 unlawfully erected or maintained by the person; a person may not be
26 exempted from this requirement.

1 (c) The commission may revoke a permit issued under this
2 article if the permittee:

3 (1) violates any provision or requirement of this article;
4 or

5 (2) violates a commission rule adopted under this article.

6 (d) A person whose permit is revoked may appeal the
7 revocation to a district court in Travis County. The appeal must
8 be taken not later than the 15th day after the date of the
9 commission's action.

10 (e) The commission shall issue a permit to a person whose
11 application complies with the commission's rules and whose sign, if
12 erected, would comply with the requirements of this article.

13 (f) The commission shall provide for a board of variance
14 which may, in appropriate cases and subject to appropriate
15 conditions and safeguards, make special exceptions to the
16 provisions of this article.

17 SECTION 9A. REGULATION IN CITY EXTRATERRITORIAL
18 JURISDICTION. Any municipality may extend the provisions of its
19 outdoor sign regulatory ordinance and enforce such ordinance within
20 its area of extraterritorial jurisdiction as otherwise provided by
21 law. However, any municipality, in lieu of such regulatory
22 ordinances, may allow the commission to regulate outdoor signs in
23 said city's extraterritorial jurisdiction by filing a written
24 notice with the commission.

25 SECTION 10. PERMIT FOR ERECTION OF SIGN. A person may not
26 erect an off-premise sign that is visible from the main-travelled

way of a rural road without having first obtained a permit from the commission. A permit issued under this section is valid for one year. The commission by rule shall prescribe fees for the issuance of permits in amounts determined by the commission to be sufficient to enable the commission to recover the costs of enforcement of this article. Fees collected under this section shall be deposited in the state treasury and may be used only for the enforcement of this article. Except as authorized pursuant to this Act, no permit may be issued for an off-premise sign unless such sign is to be located within 800 feet of one or more recognized commercial or industrial business activities and located on the same side of the roadway as such business.

SECTION 11. REPLACEMENT OR REPAIR OF SIGN. (a) When any sign, or a substantial part of it, is blown down or otherwise destroyed or taken down or removed for any purpose other than maintenance operations or for changing the letters, symbols, or other matter on the sign, it may not be reerected, reconstructed, or rebuilt except in full conformance with the provisions and requirements of this article.

(b) For purposes of Subsection (a) of this section, a sign or substantial part of it is considered to have been destroyed only if the cost of repairing the sign is more than 50 percent of the cost of erecting a new sign of the same type at the same location.

SECTION 12. EXEMPTIONS. (a) The following are exempt from this article:

(1) a sign the erection and maintenance of which is allowed

1 under the highway beautification provisions contained in Article
2 IV, Texas Litter Abatement Act (Article 4477-9a, Vernon's Texas
3 Civil Statutes);

4 (2) a sign in existence before the effective date of this
5 article;

6 (3) a sign that has as its purpose the protection of life
7 and property;

8 (4) a directional or other official sign authorized by law,
9 including a sign pertaining to natural wonders or scenic or
10 historic attractions;

11 (5) a sign or marker giving information about the location
12 of underground electric transmission lines, telegraph or telephone
13 properties and facilities, pipelines, public sewers, or waterlines;

14 (6) a sign erected by an agency of the state or a political
15 subdivision of the state; and

16 (7) a sign erected solely for and relating to a public
17 election, but only if:

18 (A) the sign is on private property;

19 (B) the sign is erected no sooner than the 60th day before
20 the election and is removed no later than the 10th day after the
21 election;

22 (C) the sign is constructed of lightweight material; and

23 (D) the surface area of the sign is not larger than 50
24 square feet.

25 (b) The following are exempt from the requirements of
26 Section 5 of this article:

1 (1) signs advertising the sale or lease of property on which
2 they are located; and

3 (2) on-premise wall signs.

4 (c) The exemption provided by Subsection (a)(2) of this
5 section does not exempt a sign from Section 13 of this article to
6 the extent that section applies.

7 SECTION 13. EXISTING OFF-PREMISE SIGNS. Not later than the
8 120th day after the effective date of this article each owner of an
9 off-premise sign erected before the effective date of this article
10 that is visible from the main-travelled way of a rural road shall
11 either remove the sign or register the sign with the commission.
12 The owner must pay a fee of \$25 for each sign that is registered.
13 This registration is valid for one year, but is renewable for an
14 annual fee of \$10 a sign, provided however, the commission may by
15 regulation provide for a longer renewal period not to exceed five
16 years.

17 SECTION 14. CIVIL AND ADMINISTRATIVE PENALTIES. (a) A
18 person who intentionally violates this article or a rule adopted by
19 the commission under this article is liable to the state for a
20 civil penalty. The attorney general or a county or district
21 attorney may sue to collect the penalty.

22 (b) The amount of the civil penalty is not less than \$150
23 nor more than \$1,000 for each violation, depending on the
24 seriousness of the violation. A separate civil penalty may be
25 collected for each day on which a continuing violation occurs.

26 (c) In lieu of a suit to collect a civil penalty, the

1 commission may, after notice and an opportunity for hearing before
2 the commission, assess an administrative penalty against a person
3 who intentionally violates this article or a rule adopted by the
4 commission under this article. The amount of an administrative
5 penalty may not exceed the maximum amount of a civil penalty under
6 this section. A continuing violation is subject to separate
7 administrative penalties in the same manner as it is subject to
8 separate civil penalties. A proceeding on the assessment of an
9 administrative penalty under this subsection is a contested case
10 for purposes of the Administrative Procedure and Texas Register Act
11 (Article 6252-13a, Vernon's Texas Civil Statutes). On appeal of
12 the assessment of an administrative penalty under this subsection,
13 the manner of review is by trial de novo.

14 (d) If it is shown at the trial for collection of a civil
15 penalty under this section or on appeal of an administrative
16 penalty under this section that a judgment for a civil penalty, or
17 a final order, not timely appealed, or a judgment for an
18 administrative penalty, was previously assessed against the person,
19 in addition to any penalty that may be assessed for the subsequent
20 violation the court shall order the revocation of any permit held
21 by the person for the location at which the subsequent violation
22 occurred.

23 (e) Civil and administrative penalties collected under this
24 article shall be deposited in the state treasury to the credit of
25 the state highway fund.

26 SECTION 15. DISPOSITION OF FEES. Except as provided by

1 Section 10 of this article, permit or registration fees collected
2 by the commission under this article shall be deposited in the
3 state treasury to the credit of the state highway fund.

4 SECTION 16. AUTHORITY OF CERTAIN COUNTIES OVER OFF-PREMISE
5 PORTABLE SIGNS. (a) Notwithstanding any other provision of this
6 article, the commissioners court of a county with a population of
7 1.7 million or more, according to the most recent federal census,
8 has exclusive authority to prohibit off-premise portable signs in
9 the unincorporated area of the county and to regulate the following
10 matters in that area:

11 (1) the location, height, size, and anchoring of off-premise
12 portable signs; and

13 (2) other matters relating to the use of off-premise
14 portable signs.

15 (b) If a county prohibition or regulation adopted under this
16 section conflicts with state law or with a rule adopted under state
17 law by a state agency, the county prohibition or regulation
18 prevails.

19 (c) The appropriate attorney representing the county in the
20 district court may seek injunctive relief to prevent the violation
21 or threatened violation of a prohibition or regulation adopted
22 under this section.

23 (d) The commissioners court may define an offense for the
24 violation of a prohibition or regulation adopted under this
25 section. If the commissioners court defines an offense, the
26 offense is a Class C misdemeanor. The offense is prosecuted in the

1 same manner as an offense defined by state law.

2 ARTICLE 3

3 SECTION 1. Section 3, Property Redevelopment and Tax
4 Abatement Act (Article 1066f, Vernon's Texas Civil Statutes), is
5 amended to read as follows:

6 Sec. 3. DESIGNATION OF REINVESTMENT ZONES. (a) To be
7 designated as a reinvestment zone, an area must:

8 (1) substantially impair or arrest the sound growth of a
9 city or town, retard the provision of housing accommodations, or
10 constitute an economic or social liability and be a menace to the
11 public health, safety, morals, or welfare in its present condition
12 and use by reason of the presence of a substantial number of
13 substandard, slum, deteriorated, or deteriorating structures;
14 predominance of defective or inadequate sidewalk or street layout;
15 faulty lot layout in relation to size, accessibility, or
16 usefulness; unsanitary or unsafe conditions; deterioration of site
17 or other improvements; tax or special assessment delinquency
18 exceeding the fair value of the land; defective or unusual
19 conditions of title; the existence of conditions that endanger life
20 or property by fire or other cause; or any combination of these
21 factors or conditions;

22 (2) be predominantly open and, because of obsolete platting
23 or deterioration of structures or site improvements, or other
24 factors, substantially impair or arrest the sound growth of the
25 city or town;

26 (3) be in a federally assisted new community located within

1 a home-rule city or in an area immediately adjacent to the
2 federally assisted new community;

3 (4) be located wholly within an area which meets the
4 requirements for federal assistance under Section 119 of the
5 Housing and Community Development Act of 1974; [er]

6 (5) encompass signs, billboards, and other outdoor
7 advertising structures designated by the governing body of the
8 incorporated city or town for relocation, reconstruction, or
9 removal for the purpose of enhancing the physical environment of
10 the city or town, which the legislature hereby declares to be a
11 public purpose; or

12 (6) be designated a local or state-federal enterprise zone
13 under the Texas Enterprise Zone Act.

14 (b) For the purposes of Subdivision (3) of Subsection (a) of
15 this section, a federally assisted new community is a federally
16 assisted area that received or will receive assistance in the form
17 of loan guarantees under Title X of the National Housing Act and a
18 portion of the federally assisted area has received grants under
19 Section 107(a)(1) of the Housing and Community Development Act of
20 1974.

21 (c) The governing body of an incorporated city or town may
22 designate, by boundaries, as a reinvestment zone any area, or real
23 or personal property whose use is directly related to the business
24 of outdoor advertising, within the taxing jurisdiction of the city
25 or town that the governing body finds to satisfy the requirements
26 of Subsection (a) of this section, subject to the limitations set

1 forth by Section 4 of this Act. The governing body of an
2 incorporated city or town shall designate a reinvestment zone
3 eligible for residential property tax abatement, or
4 commercial-industrial tax abatement, or tax incentive/financing as
5 provided for in the Texas Tax Increment Financing Act of 1981
6 (Article 1066e, Vernon's Texas Civil Statutes) [S.B.-No.-167-67th
7 Legislature, 1st-Called-Session, 1981].

ARTICLE 4

9 SECTION 1. EFFECTIVE DATE. This Act takes effect September
10 1, 1985.

11 SECTION 2. EFFECT OF PARTIAL INVALIDITY. (a) The
12 legislature declares that it would not have enacted this Act
13 without the inclusion of Section 5(a) of Article 1, to the extent
14 that provision excludes modes of compensation not specifically
15 authorized by that provision. If this exclusion of alternative
16 modes of compensation is for any reason held invalid by a final
17 judgment of a court of competent jurisdiction, the remainder of
18 this Act is void.

19 (b) Except as provided by Subsection (a) of this section,
20 this Act is severable as provided by Chapter 45, Acts of the 63rd
21 Legislature, Regular Session, 1973 (Article 11a, Vernon's Texas
22 Civil Statutes).

23 SECTION 3. COURT-APPROVED SETTLEMENT. Nothing in this Act
24 affects a court-approved settlement entered into before the
25 effective date of this Act in any litigation in a court of the
26 United States involving the validity of municipal regulation of

1 signs. To the extent a provision of this Act conflicts with the
2 terms of such a settlement, the terms of the settlement prevail.

3 SECTION 4. EMERGENCY. The importance of this legislation
4 and the crowded condition of the calendars in both houses create an
5 emergency and an imperative public necessity that the
6 constitutional rule requiring bills to be read on three several
7 days in each house be suspended, and this rule is hereby suspended.

Handwritten signature
AMENDMENT NO. 1

BY *Ed M. Washburn*

1 Amend C.S.H.B. 1330 by striking all below the enacting clause
2 and substituting the following:

3 *Insert* ARTICLE 1

4 SECTION 1. LEGISLATIVE INTENT. (a) This article is not
5 intended to require a municipality to provide for the relocation,
6 reconstruction, or removal of any sign in the municipality, nor is
7 it intended to prohibit a municipality from requiring the
8 relocation, reconstruction, or removal of any sign. This article
9 is intended only to authorize a municipality to take that action
10 and to establish the procedure by which the municipality may do so.

11 (b) This article is not intended to require a municipality
12 to make a cash payment to compensate the owner of a sign that the
13 municipality requires to be relocated, reconstructed, or removed.
14 Cash payment is established as only one of several methods from
15 which a municipality may choose in compensating the owner of a
16 sign.

17 (c) This article is not intended to affect any eminent
18 domain proceeding in which the taking of a sign is only an
19 incidental part of the exercise of the eminent domain power.

20 SECTION 2. DEFINITIONS. In this article:

21 (1) "Sign" means an outdoor structure, sign, display, light
22 device, figure, painting, drawing, message, plaque, poster,
23 billboard, or other thing that is designed, intended, or used to
24 advertise or inform.

ADOPTED

MAY 25 1985

Betty King
Secretary of the Senate

2

1 (2) "On-premise sign" means a freestanding sign identifying
2 or advertising a business, person, or activity, and installed and
3 maintained on the same premises as the business, person, or
4 activity.

5 (3) "Off-premise sign" means a sign displaying advertising
6 copy that pertains to a business, person, organization, activity,
7 event, place, service, or product not principally located or
8 primarily manufactured or sold on the premises on which the sign is
9 located.

10 (4) "Municipality" means an incorporated city, town, or
11 village, including a home-rule city.

12 SECTION 3. MUNICIPAL BOARD. (a) If a municipality requires
13 the relocation, reconstruction, or removal of a sign within its
14 corporate limits or extraterritorial jurisdiction, the presiding
15 officer of the governing body of the municipality shall appoint a
16 municipal board on sign control. The board must be composed of the
17 following persons:

18 (1) two persons who must be real estate appraisers
19 registered with the Society of Real Estate Appraisers or the
20 American Institute of Real Estate Appraisers;

21 (2) one person who must be engaged in the sign business in
22 the municipality;

23 (3) one person who must be an employee of the State
24 Department of Highways and Public Transportation and must be
25 familiar with real estate valuations in eminent domain proceedings;
26 and

27 (4) one person who must be an architect or a landscape

1 architect licensed by this state.

2 (b) A member of the board is appointed for a term of two
3 years.

4 (c) The board has the powers and duties given to it by this
5 article.

6 SECTION 4. RELOCATION, RECONSTRUCTION, OR REMOVAL OF
7 SIGN: COMPENSATION OF OWNER. (a) Subject to the requirements of
8 this article, a municipality may require the relocation,
9 reconstruction, or removal of any sign within its corporate limits
10 or extraterritorial jurisdiction.

11 (b) The owner of a sign that is required to be relocated,
12 reconstructed, or removed is entitled to be compensated by the
13 municipality as provided by this section for costs associated with
14 the relocation, reconstruction, or removal. The municipal board on
15 sign control shall determine under this section the amount of the
16 compensation. The determination shall be made after the owner of
17 the sign is given the opportunity for a hearing before the board
18 about the issues involved in the matter.

19 (c) For a sign that is required to be relocated, compensable
20 costs include the expenses of dismantling the sign, transporting it
21 to another site, and reerecting it, determined by the board
22 according to the standards applicable in a proceeding under Chapter
23 21, Property Code. In addition, the municipality shall issue to
24 the owner an appropriate permit or other authority to operate at an
25 alternative site of substantially equivalent value a substitute
26 sign of the same type and compensate the owner for any increased
27 operating costs (including increased rent) at the new location.

1 The owner is responsible for designating an alternative site where
2 the erection of the sign would be in compliance with the sign
3 ordinance. Whether an alternative site is of substantially
4 equivalent value is determined by standards generally accepted in
5 the outdoor advertising industry, including visibility, traffic
6 count, and demographic factors.

7 (d) For a sign that is required to be reconstructed,
8 compensable costs include expenses of labor and materials and any
9 loss in the value of the sign in excess of 15 percent of that value
10 due to the reconstruction, determined by the board according to
11 standards applicable in a proceeding under Chapter 21, Property
12 Code.

13 (e)(1) For an off-premise sign that is required to be
14 removed, the compensable cost is an amount computed by determining
15 the average annual gross revenue received by the owner from the
16 sign during the two years immediately preceding September 1, 1985,
17 or the two years immediately preceding the month in which the
18 removal date of the sign occurs, whichever is less, and by
19 multiplying that amount by three. If the sign has not been in
20 existence for all of either two-year period, the average annual
21 gross revenue for that period, for the purpose of this computation,
22 is an amount computed by dividing 12 by the number of months that
23 the sign has been in existence, and multiplying that result by the
24 total amount of the gross revenue received for the period that the
25 sign has been in existence. However, if the sign did not generate
26 revenue for at least one month preceding September 1, 1985, this
27 computation of compensable costs is to be made using only the

1 average annual gross revenue received during the two years
2 immediately preceding the month in which the removal date of the
3 sign occurs, and by multiplying that amount by three. In
4 determining the amounts under this paragraph, a sign is treated as
5 if it were in existence for the entire month if it was in existence
6 for more than 15 days of the month and is treated as if it were not
7 in existence for any part of the month if it was in existence for
8 15 or fewer days of the month.

9 (2) For an on-premise sign that is required to be removed,
10 the compensable cost is an amount computed by determining a
11 reasonable balance between the original cost of the sign, less
12 depreciation, and the current replacement cost of the sign, less an
13 adjustment for the present age and condition of the sign.

14 (f) If an off-premise sign is required to be removed and the
15 sign owner's compensable cost for the sign is to be determined
16 under Subsection (e)(1) of this section, the owner of the real
17 property on which the sign was located is entitled to be
18 compensated for any decrease in the value of the real property.
19 The compensable cost is to be determined by the board according to
20 standards applicable in a proceeding under Chapter 21, Property
21 Code.

22 (g) For each nonconforming sign, the board shall file with
23 the appropriate property tax appraisal office the board's
24 compensable costs value appraisal of the sign. The appraisal
25 office shall consider the board's appraisal when the office, for
26 property tax purposes, determines the appraised value of the real
27 property to which the sign is attached.

1 SECTION 5. METHOD OF COMPENSATION. (a) In order to pay the
2 compensable costs required under Section 4 of this article, the
3 governing body of any municipality is authorized to utilize only
4 the following methods prescribed by this section, or a combination
5 of those methods.

6 (b) The municipality, acting pursuant to the Property
7 Redevelopment and Tax Abatement Act (Article 1066f, Vernon's Texas
8 Civil Statutes), may abate municipal property taxes that otherwise
9 would be owed by the owner of a sign that is required to be
10 relocated or reconstructed. The abated taxes may be on any real or
11 personal property owned by the owner of the sign except residential
12 property. The right to the abatement of taxes is assignable by the
13 holder, and the assignee may use the right to abatement with
14 respect to taxes on any nonresidential property in the same taxing
15 jurisdiction. In any municipality where tax abatement is utilized
16 in order to pay compensable costs, such costs shall include
17 reasonable interest and such abatement period shall not exceed five
18 years.

19 (c) The municipality may allocate all or any part of the
20 municipal property taxes paid on signs, on the real property upon
21 which the signs are located, or on other real or personal property
22 owned by the owner of the sign to a special fund in the municipal
23 treasury, to be known as the sign abatement and community
24 beautification fund, and make payments from that fund to reimburse
25 compensable costs to owners of signs required to be relocated,
26 reconstructed, or removed.

27 (d) The municipality may provide for the issuance of sign

1 abatement revenue bonds and use the proceeds to make payments to
2 reimburse costs to the owners of signs required to be relocated,
3 reconstructed, or removed. The municipality may only use the
4 proceeds from such bonds for the removal, relocation, or
5 reconstruction of signs within the corporate limits of such
6 municipality.

7 (e) The municipality may pay compensable costs in cash.

8 (f) In any proceeding in which the reasonableness of
9 compensation is at issue and the compensation is to be provided
10 over a period longer than one year, the court shall consider
11 whether the duration of the period is reasonable under the
12 circumstances.

13 (g) If application of a municipal regulation would require
14 reconstruction of a sign in a manner that would make it ineffective
15 for its intended purpose, such as by substantially impairing the
16 sign's visibility, application of the regulation is treated as the
17 required removal of the sign for purposes of this article.

18 (h) In lieu of paying compensation, a city may exempt from
19 required relocation, reconstruction, or removal those signs
20 lawfully in place on the effective date of the requirement.

21 SECTION 6. SPECIAL PROVISIONS FOR SIGNS UNDER SIGN ORDINANCE
22 ON CERTAIN DATE. (a) If, on June 1, 1985, a municipality has in
23 effect an ordinance requiring the relocation, reconstruction, or
24 removal of any sign and if the ordinance provides for compensating
25 a sign owner under an amortization plan, the compensation for a
26 sign's relocation, reconstruction, or removal is to be determined
27 under this section instead of under Section 4 of this article.

1 (b) The municipal board on sign control shall compile a list
2 of the signs that, on September 1, 1985, are not in compliance with
3 the sign ordinance. The board shall compile the list before
4 December 1, 1985.

5 (c) Before December 15, 1985, the board shall have made a
6 diligent effort to mail a written notice to the owner of each sign
7 on the list. The notice must be sent through the United States
8 Postal Service by certified or registered mail with return receipt
9 requested. The notice must state that the sign is on the list of
10 signs that are not in compliance with the sign ordinance, must
11 describe the sign by general type and by location, and must
12 describe the action that is required of the owner under Subsection
13 (d) of this section. If either the identification of an owner of a
14 sign on the list or the address of the owner cannot be determined
15 by the board after the board has made a diligent effort to do so,
16 the board, before December 15, 1985, shall cause a notice to be
17 published in a newspaper of general circulation in the
18 municipality. The newspaper notice must contain information
19 similar to that required to be in the personal written notice.

20 (d) Before February 1, 1986, the owner of a sign that is on
21 the list compiled by the board shall file with the board a record
22 of the owner's signs that the owner determines can be brought into
23 compliance with the sign ordinance at a cost of 15 percent or less
24 of the value of the sign and also shall file another record of the
25 signs that the owner determines cannot be brought into compliance
26 at that cost. If an owner fails to timely file the required
27 information about a sign, the board shall treat the sign as if the

1 owner had recorded it as being able to be brought into compliance
2 at a cost of 15 percent or less.

3 (e) Before March 15, 1986, the board shall verify the
4 records filed with the board under Subsection (d) of this section.
5 If the board questions an owner's determination made under
6 Subsection (d), the board shall obtain three competitive bids
7 regarding the cost at which the sign can be brought into compliance
8 with the sign ordinance. After receiving the bids, the board may
9 make its own determination regarding the sign. The verification,
10 including any determination the board may make as authorized by
11 this subsection, may be made only after the owner of the signs is
12 given an opportunity for a hearing before the board about the
13 issues involved in the matter. As part of the verification process
14 the board shall appraise the value of the signs at compensable
15 costs.

16 (f) Of an owner's signs that the board verifies can be
17 brought into compliance at the cost of 15 percent or less, the
18 board shall permit the owner to keep one-half of those signs as
19 nonconforming uses and shall require the other one-half to be
20 brought into compliance at no cost to the municipality. If an
21 owner has more than one sign and the total number of signs is an
22 odd number, the one additional sign that prevents an exact one-half
23 division shall be added to the number of signs permitted as
24 nonconforming uses. In making its determination of which signs to
25 permit as nonconforming uses and which to require to be brought
26 into compliance, the board shall consider the requests of the owner
27 and shall consider other relevant factors, including factors such

1 as geography, density, value, traffic flow, and cost of compliance.

2 (g) The signs that are required to be brought into
3 compliance are subject to the following schedule:

4 (1) one-third of those signs must be brought into compliance
5 before July 1, 1986;

6 (2) another one-third of those signs must be brought into
7 compliance before July 1, 1987; and

8 (3) the remaining one-third must be brought into compliance
9 before July 1, 1988.

10 (h) For signs that the board verifies cannot be brought into
11 compliance at the cost of 15 percent or less, the board shall
12 determine the entire useful life of those signs by type or
13 category, such as the categories of mono-pole signs, metal signs,
14 and wood signs. The useful life may not be solely determined by
15 the natural life expectancy of a sign. For those signs, the
16 governing body of the municipality may:

17 (1) permit the signs within the corporate limits of the
18 municipality to be kept in place as nonconforming uses for a period
19 computed by taking the entire useful life of the sign, subtracting
20 from that useful life the period that the sign has been under the
21 municipality's amortization plan, and multiplying that result by 65
22 percent;

23 (2) permit the signs within the extraterritorial
24 jurisdiction of a municipality to be kept in place as nonconforming
25 uses for a period computed by taking the entire useful life of the
26 sign and multiplying that useful life by 65 percent; or

27 (3) pay the sign owner, by one of the methods described by

1 Section 5 of this article, 65 percent of the compensable costs of
2 the relocation, reconstruction, or removal of the sign, as those
3 costs are determined under Section 4 of this article.

4 (i) For each nonconforming sign, the board shall file with
5 the appropriate property tax appraisal office the board's
6 compensable costs value appraisal of the sign. The board shall
7 file the information on or before March 15, 1986. The appraisal
8 office shall consider the board's appraisal when the office, for
9 property tax purposes, determines in 1986 and later years the
10 appraised value of the real property to which the sign is attached.

11 (j) If a sign is required to be removed and the sign owner
12 is to be compensated under Subsection (h)(3) of this section, the
13 owner of the real property on which the sign was located is
14 entitled to be compensated for 65 percent of any decrease in the
15 value of the real property. The compensable cost is to be
16 determined by the board according to standards applicable in a
17 proceeding under Chapter 21, Property Code. The governing body of
18 the municipality may pay the owner by one of the methods described
19 by Section 5 of this article.

And
*2
20 ~~Insert A~~ SECTION 7. APPEAL. (a) Any person aggrieved by a decision
21 of the board may present to a district court a petition, duly
22 verified, setting forth that the decision is illegal, in whole or
23 in part, and specifying the grounds of the illegality. The
24 petition must be presented to the court not later than the 20th day
25 after the day the decision is rendered by the board.

26 (b) Upon presentation of the petition, the court may allow a
27 writ of certiorari directed to the board to review the decision of

1 the board and shall prescribe in the writ the time within which a
2 return must be made, which may not be less than 10 days and may be
3 extended by the court.

4 (c) The board is not required to return the original papers
5 acted upon by it, but it shall be sufficient to return certified or
6 sworn copies of the papers. The return must concisely set forth
7 all other facts as may be pertinent and material to show the
8 grounds of the decision appealed from and must be verified.

9 (d) The court may reverse or affirm, wholly or partly, or
10 may modify the decision brought up for review.

11 (e) Costs may not be allowed against the board unless it
12 shall appear to the court that the board acted with gross
13 negligence, in bad faith, or with malice in making the decision
14 appealed from.

15 SECTION 8. EXCEPTIONS. (a) The requirements of this
16 article do not apply to any sign that was erected in violation of
17 local ordinances, laws, or regulations applicable at the time of
18 its erection.

19 (b) The requirements of this article do not apply to a sign
20 that, having been permitted to remain in place as a nonconforming
21 use, is required to be removed by a municipality because the sign,
22 or a substantial part of it, is blown down or otherwise destroyed
23 or dismantled for any purpose other than maintenance operations or
24 for changing the letters, symbols, or other matter on the sign.

25 (c) For purposes of Subsection (b) of this section, a sign
26 or substantial part of it is considered to have been destroyed only
27 if the cost of repairing the sign is more than 60 percent of the

1 cost of erecting a new sign of the same type at the same location.

2 (d) This article may not be construed to limit or restrict
3 the compensation provisions of the highway beautification
4 provisions contained in Article IV, Texas Litter Abatement Act
5 (Article 4477-9a, Vernon's Texas Civil Statutes).

6 ARTICLE 2

7 SECTION 1. LEGISLATIVE INTENT. It is the intent of the
8 legislature to promote and control the reasonable, orderly, and
9 effective display of outdoor advertising on all highways and roads
10 located outside the corporate limits of cities, towns, and villages
11 in Texas to promote the recreational value of public travel, and to
12 preserve natural beauty.

13 SECTION 2. DEFINITIONS. In this article:

14 (1) "Commission" means the State Highway and Public
15 Transportation Commission.

16 (2) "Rural road" means a road, street, way, thoroughfare, or
17 bridge that is located in an unincorporated area and is not
18 privately owned or controlled, any part of which is open to the
19 public for vehicular traffic, and over which the state or any of
20 its political subdivisions have jurisdiction.

21 (3) "Sign" means an outdoor structure, sign, display, light
22 device, figure, painting, drawing, message, plaque, poster,
23 billboard, or other thing that is designed, intended, or used to
24 advertise or inform and that is visible from the main-travelled way
25 of a rural road.

26 (4) "On-premise sign" means a freestanding sign identifying
27 or advertising a business, person, or activity, and installed and

1 maintained on the same premises as the business, person, or
2 activity.

3 (5) "Off-premise sign" means a sign displaying advertising
4 copy that pertains to a business, person, organization, activity,
5 event, place, service, or product not principally located or
6 primarily manufactured or sold on the premises on which the sign is
7 located.

8 (6) "Person" means an individual, association, or
9 corporation.

10 (7) "Portable sign" means a sign designed to be mounted on a
11 trailer, bench, wheeled carrier, or other nonmotorized mobile
12 structure.

13 SECTION 3. SPACING REQUIREMENTS. (a) An off-premise sign
14 having a face area of 301 square feet or more may not be erected
15 within 1,500 feet of another off-premise sign on the same side of
16 the roadway.

17 (b) An off-premise sign having a face area of at least 100
18 but less than 301 square feet may not be erected within 500 feet of
19 another off-premise sign on the same side of the roadway.

20 (c) An off-premise sign having a face area of less than 100
21 square feet may not be erected within 150 feet of another
22 off-premise sign on the same side of the roadway.

23 (d) For purposes of this section, each double-faced,
24 back-to-back, or V-type sign is treated as a single sign.

25 (e) Signs located at the same intersection are not in
26 violation of this section because of their nearness to one another
27 if they are located so that their messages are directed toward

1 traffic flowing in different directions.

2 SECTION 4. HEIGHT RESTRICTIONS. An on-premise or
3 off-premise sign may not be erected that exceeds an overall height
4 of 42-1/2 feet, excluding cutouts extending above the rectangular
5 border, measured from the highest point on the sign to the grade
6 level of the roadway from which the sign is to be viewed. A roof
7 sign having a tight or solid surface may not at any point exceed 24
8 feet above the roof level. Open roof signs in which the uniform
9 open area is not less than 40 percent of total gross area may be
10 erected to a height of 40 feet above the roof level. The lowest
11 point on a projecting sign must be at least 14 feet above grade.

12 SECTION 5. FACE RESTRICTIONS. An on-premise sign, other
13 than an on-premise wall sign, may not be erected that has a face
14 area exceeding 400 square feet, including cutouts but excluding
15 uprights, trim, and apron. An off-premise sign may not be erected
16 that has a face area exceeding 672 square feet, excluding cutouts,
17 uprights, trim, and apron. Neither an on-premise nor an
18 off-premise sign may have a cutout with an area larger than 20
19 percent of the sign's surface copy area.

20 SECTION 6. DETERMINATION OF SIZE. For signs of a
21 double-faced, back-to-back, or V-type nature, each face is
22 considered a separate sign in computing the face area.

23 SECTION 7. WIND LOADS; LOCATION AND ANCHORING OF PORTABLE
24 SIGNS. (a) Each on-premise or off-premise sign erected or sited
25 must be designed to resist wind loads as follows:

1 WIND LOAD PRESSURES IN POUNDS
2 PER SQUARE FOOT FOR ALL SIGNS

3 <u>Height, in feet</u>	
4 <u>above ground, as</u>	
5 <u>measured above the</u>	
6 <u>average level of</u>	<u>Pressure,</u>
7 <u>the ground adjacent</u>	<u>pounds per</u>
8 <u>to the structure</u>	<u>square foot</u>
9 0 - 5	0
10 6 - 30	20
11 31 - 50	25
12 51 - 99	35
13 100 - 199	45
14 200 - 299	50
15 300 - 399	55
16 400 - 500	60
17 501 - 800	70
18 Over 800	77

19 (b) A person may not place a portable sign on property of
20 another without first obtaining written permission from the owner
21 or the owner's authorized agent.

22 SECTION 8. NUMBER OF ON-PREMISE SIGNS. A business may not
23 maintain more than five on-premise signs per each frontage on a
24 single rural road at a single business location.

25 SECTION 9. ADMINISTRATION OF ARTICLE; RULEMAKING. (a) The
26 commission shall administer and enforce this article and shall
27 adopt rules to regulate the erection or maintenance of signs

1 covered under this article. The commission shall adopt rules
2 specifying the time for and manner of applying for a permit, the
3 form of the permit application, and the information that must be
4 included in a permit application.

5 (b) The commission by rule may require every applicant for a
6 permit to file with the commission a surety bond or other security
7 in a reasonable amount and payable to the commission to reimburse
8 it for the cost of removing a sign unlawfully erected or maintained
9 by a permittee. A rule adopted under this section must provide for
10 exemption from the requirement of furnishing a bond or security for
11 an applicant who has held five or more permits under this article
12 for at least one year and has not violated this article or a rule
13 adopted under this article during the preceding 12-month period.
14 Any person engaged primarily in the business of erecting signs that
15 advertise companies located or products sold on the premises on
16 which the signs are erected must file with the commission a surety
17 bond in the amount of at least \$100,000 and payable to the
18 commission to reimburse it for the cost of removing a sign
19 unlawfully erected or maintained by the person; a person may not be
20 exempted from this requirement.

21 (c) The commission may revoke a permit issued under this
22 article if the permittee:

23 (1) violates any provision or requirement of this article;
24 or

25 (2) violates a commission rule adopted under this article.

26 (d) A person whose permit is revoked may appeal the
27 revocation to a district court in Travis County. The appeal must

1 be taken not later than the 15th day after the date of the
2 commission's action.

3 (e) The commission shall issue a permit to a person whose
4 application complies with the commission's rules and whose sign, if
5 erected, would comply with the requirements of this article.

6 (f) The commission shall provide for a board of variance
7 which may, in appropriate cases and subject to appropriate
8 conditions and safeguards, make special exceptions to the
9 provisions of this article.

10 SECTION 10. PERMIT FOR ERECTION OF SIGN. A person may not
11 erect an off-premise sign that is visible from the main-travelled
12 way of a rural road without having first obtained a permit from the
13 commission. A permit issued under this section is valid for one
14 year. The commission by rule shall prescribe fees for the issuance
15 of permits in amounts determined by the commission to be sufficient
16 to enable the commission to recover the costs of enforcement of
17 this article. Fees collected under this section shall be deposited
18 in the state treasury and may be used only for the enforcement of
19 this article. Except as authorized pursuant to this Act, no permit
20 may be issued for an off-premise sign unless such sign is to be
21 located within 800 feet of one or more recognized commercial or
22 industrial business activities and located on the same side of the
23 roadway as such business.

24 SECTION 11. REPLACEMENT OR REPAIR OF SIGN. (a) When any
25 sign, or a substantial part of it, is blown down or otherwise
26 destroyed or taken down or removed for any purpose other than
27 maintenance operations or for changing the letters, symbols, or

1 other matter on the sign, it may not be reerected, reconstructed,
2 or rebuilt except in full conformance with the provisions and
3 requirements of this article.

4 (b) For purposes of Subsection (a) of this section, a sign
5 or substantial part of it is considered to have been destroyed only
6 if the cost of repairing the sign is more than 50 percent of the
7 cost of erecting a new sign of the same type at the same location.

8 SECTION 12. EXEMPTIONS. (a) The following are exempt from
9 this article:

10 (1) a sign the erection and maintenance of which is allowed
11 under the highway beautification provisions contained in Article
12 IV, Texas Litter Abatement Act (Article 4477-9a, Vernon's Texas
13 Civil Statutes);

14 (2) a sign in existence before the effective date of this
15 article;

16 (3) a sign that has as its purpose the protection of life
17 and property;

18 (4) a directional or other official sign authorized by law,
19 including a sign pertaining to natural wonders or scenic or
20 historic attractions;

21 (5) a sign or marker giving information about the location
22 of underground electric transmission lines, telegraph or telephone
23 properties and facilities, pipelines, public sewers, or waterlines;

24 (6) a sign erected by an agency of the state or a political
25 subdivision of the state; and

26 (7) a sign erected solely for and relating to a public
27 election, but only if:

1 (A) the sign is on private property;
2 (B) the sign is erected no sooner than the 60th day before
3 the election and is removed no later than the 10th day after the
4 election;
5 (C) the sign is constructed of lightweight material; and
6 (D) the surface area of the sign is not larger than 50
7 square feet.

8 (b) The following are exempt from the requirements of
9 Section 5 of this article:

10 (1) signs advertising the sale or lease of property on which
11 they are located; and
12 (2) on-premise wall signs.

13 (c) The exemption provided by Subsection (a)(2) of this
14 section does not exempt a sign from Section 13 of this article to
15 the extent that section applies.

16 SECTION 13. EXISTING OFF-PREMISE SIGNS. Not later than the
17 120th day after the effective date of this article each owner of an
18 off-premise sign erected before the effective date of this article
19 that is visible from the main-travelled way of a rural road shall
20 either remove the sign or register the sign with the commission.
21 The owner must pay a fee of \$25 for each sign that is registered.
22 This registration is valid for one year, but is renewable for an
23 annual fee of \$10 a sign, provided however, the commission may by
24 regulation provide for a longer renewal period not to exceed five
25 years.

26 SECTION 14. CIVIL AND ADMINISTRATIVE PENALTIES. (a) A
27 person who intentionally violates this article or a rule adopted by

1 the commission under this article is liable to the state for a
2 civil penalty. The attorney general or a county or district
3 attorney may sue to collect the penalty.

4 (b) The amount of the civil penalty is not less than \$150
5 nor more than \$1,000 for each violation, depending on the
6 seriousness of the violation. A separate civil penalty may be
7 collected for each day on which a continuing violation occurs.

8 (c) In lieu of a suit to collect a civil penalty, the
9 commission may, after notice and an opportunity for hearing before
10 the commission, assess an administrative penalty against a person
11 who intentionally violates this article or a rule adopted by the
12 commission under this article. The amount of an administrative
13 penalty may not exceed the maximum amount of a civil penalty under
14 this section. A continuing violation is subject to separate
15 administrative penalties in the same manner as it is subject to
16 separate civil penalties. A proceeding on the assessment of an
17 administrative penalty under this subsection is a contested case
18 for purposes of the Administrative Procedure and Texas Register Act
19 (Article 6252-13a, Vernon's Texas Civil Statutes). On appeal of
20 the assessment of an administrative penalty under this subsection,
21 the manner of review is by trial de novo.

22 (d) If it is shown at the trial for collection of a civil
23 penalty under this section or on appeal of an administrative
24 penalty under this section that a judgment for a civil penalty, or
25 a final order, not timely appealed, or a judgment for an
26 administrative penalty, was previously assessed against the person,
27 in addition to any penalty that may be assessed for the subsequent

1 violation the court shall order the revocation of any permit held
2 by the person for the location at which the subsequent violation
3 occurred.

4 (e) Civil and administrative penalties collected under this
5 article shall be deposited in the state treasury to the credit of
6 the state highway fund.

7 SECTION 15. DISPOSITION OF FEES. Except as provided by
8 Section 10 of this article, permit or registration fees collected
9 by the commission under this article shall be deposited in the
10 state treasury to the credit of the state highway fund.

11 SECTION 16. REGULATION OF OFF-PREMISE PORTABLE SIGNS IN
12 CERTAIN COUNTIES. (a) The regulations imposed by or adopted under
13 the other sections of this article do not apply to off-premise
14 portable signs in the unincorporated area of a county with a
15 population of 1.7 million or more, according to the most recent
16 federal census. In such a county, the commissioners court may
17 prohibit off-premise portable signs in the unincorporated area of
18 the county and may regulate the following matters in that area:

19 (1) the location, height, size, and anchoring of off-premise
20 portable signs; and

21 (2) other matters relating to the use of off-premise
22 portable signs.

23 (b) If a county prohibition or regulation adopted under this
24 section conflicts with state law or with a rule adopted under state
25 law by a state agency, the county prohibition or regulation
26 prevails. If a county prohibition or regulation adopted under
27 this section conflicts with a municipal sign ordinance that has

1 been extended within the municipality's extraterritorial
2 jurisdiction as permitted by Article 3 of this Act, the municipal
3 ordinance prevails in that area.

4 (c) The appropriate attorney representing the county in the
5 district court may seek injunctive relief to prevent the violation
6 or threatened violation of a prohibition or regulation adopted
7 under this section.

8 (d) The commissioners court may define an offense for the
9 violation of a prohibition or regulation adopted under this
10 section. If the commissioners court defines an offense, the
11 offense is a Class C misdemeanor. The offense is prosecuted in the
12 same manner as an offense defined by state law.

13 ARTICLE 3

14 SECTION 1. REGULATION IN CITY EXTRATERRITORIAL JURISDICTION.

15 Any municipality may extend the provisions of its outdoor sign
16 regulatory ordinance and enforce such ordinance within its area of
17 extraterritorial jurisdiction as defined by the Municipal
18 Annexation Act (Article 970a, Vernon's Texas Civil Statutes).
19 However, any municipality, in lieu of such regulatory ordinances,
20 may allow the State Highway and Public Transportation Commission to
21 regulate outdoor signs in that city's extraterritorial jurisdiction
22 by filing a written notice with the commission.

23 SECTION 2. PRECEDENCE OF MUNICIPAL ORDINANCE. If a
24 municipality extends its outdoor sign ordinance within its area of
25 extraterritorial jurisdiction, the municipal ordinance supersedes
26 the regulations imposed by or adopted under Article 2 of this Act.

27 ARTICLE 4

1 SECTION 1. Section 3, Property Redevelopment and Tax
2 Abatement Act (Article 1066f, Vernon's Texas Civil Statutes), is
3 amended to read as follows:

4 Sec. 3. DESIGNATION OF REINVESTMENT ZONES. (a) To be
5 designated as a reinvestment zone, an area must:

6 (1) substantially impair or arrest the sound growth of a
7 city or town, retard the provision of housing accommodations, or
8 constitute an economic or social liability and be a menace to the
9 public health, safety, morals, or welfare in its present condition
10 and use by reason of the presence of a substantial number of
11 substandard, slum, deteriorated, or deteriorating structures;
12 predominance of defective or inadequate sidewalk or street layout;
13 faulty lot layout in relation to size, accessibility, or
14 usefulness; unsanitary or unsafe conditions; deterioration of site
15 or other improvements; tax or special assessment delinquency
16 exceeding the fair value of the land; defective or unusual
17 conditions of title; the existence of conditions that endanger life
18 or property by fire or other cause; or any combination of these
19 factors or conditions;

20 (2) be predominantly open and, because of obsolete platting
21 or deterioration of structures or site improvements, or other
22 factors, substantially impair or arrest the sound growth of the
23 city or town;

24 (3) be in a federally assisted new community located within
25 a home-rule city or in an area immediately adjacent to the
26 federally assisted new community;

27 (4) be located wholly within an area which meets the

1 requirements for federal assistance under Section 119 of the
2 Housing and Community Development Act of 1974; [er]

3 (5) encompass signs, billboards, and other outdoor
4 advertising structures designated by the governing body of the
5 incorporated city or town for relocation, reconstruction, or
6 removal for the purpose of enhancing the physical environment of
7 the city or town, which the legislature hereby declares to be a
8 public purpose; or

9 (6) be designated a local or state-federal enterprise zone
10 under the Texas Enterprise Zone Act.

11 (b) For the purposes of Subdivision (3) of Subsection (a) of
12 this section, a federally assisted new community is a federally
13 assisted area that received or will receive assistance in the form
14 of loan guarantees under Title X of the National Housing Act and a
15 portion of the federally assisted area has received grants under
16 Section 107(a)(1) of the Housing and Community Development Act of
17 1974.

18 (c) The governing body of an incorporated city or town may
19 designate, by boundaries, as a reinvestment zone any area, or real
20 or personal property whose use is directly related to the business
21 of outdoor advertising, within the taxing jurisdiction of the city
22 or town that the governing body finds to satisfy the requirements
23 of Subsection (a) of this section, subject to the limitations set
24 forth by Section 4 of this Act. The governing body of an
25 incorporated city or town shall designate a reinvestment zone
26 eligible for residential property tax abatement, or
27 commercial-industrial tax abatement, or tax incentive financing as

1 provided for in the Texas Tax Increment Financing Act of 1981
2 (Article 1066e, Vernon's Texas Civil Statutes) [~~S.B.-No.-16,-67th~~
3 ~~Legislature,-1st-Called-Session,-1981~~].

4 ARTICLE 5

5 SECTION 1. EFFECTIVE DATE. This Act takes effect September
6 1, 1985, except that Article 3 of this Act takes effect
7 immediately.

8 SECTION 2. EFFECT OF PARTIAL INVALIDITY. (a) The
9 legislature declares that it would not have enacted this Act
10 without the inclusion of Section 5(a) of Article 1, to the extent
11 that provision excludes modes of compensation not specifically
12 authorized by that provision. If this exclusion of alternative
13 modes of compensation is for any reason held invalid by a final
14 judgment of a court of competent jurisdiction, the remainder of
15 this Act is void.

16 (b) Except as provided by Subsection (a) of this section,
17 this Act is severable as provided by Chapter 45, Acts of the 63rd
18 Legislature, Regular Session, 1973 (Article 11a, Vernon's Texas
19 Civil Statutes).

20 SECTION 3. COURT-APPROVED SETTLEMENT. Nothing in this Act
21 affects a court-approved settlement entered into before the
22 effective date of this Act in any litigation in a court of the
23 United States involving the validity of municipal regulation of
24 signs. To the extent a provision of this Act conflicts with the
25 terms of such a settlement, the terms of the settlement prevail.

26 SECTION 4. EMERGENCY. The importance of this legislation
27 and the crowded condition of the calendars in both houses create an

1 emergency and an imperative public necessity that the
2 constitutional rule requiring bills to be read on three several
3 days in each house be suspended, and this rule is hereby suspended,
4 and that this Act take effect and be in force according to its
5 terms, and it is so enacted.

Handwritten
Amendment No. 2

By *McFarland*

Amend the floor substitute to C.S.H.B. 1330 by adding a new
Subsection 6(k) to read as follows:

Transcript
(461) "For a sign erected after the effective date of this Act and as to
any sign currently in place which is made non-conforming by an extension
of or strengthening of an ordinance which was in effect on June 1, 1985,
and contained an amortization plan, then the amortization period shall
equal useful life as determined by the board in subsection (h) but
without regard to the computations provided in subsection (h)(1)(2), or
(3)."

ADOPTED

MAY 25 1985

RLG
Barry King
Secretary of the Senate

(3)

Chapter 21, Property Code. In addition, the municipality shall issue to the owner an appropriate permit or other authority to operate at an alternative site of substantially equivalent value a substitute sign of the same type and compensate the owner for any increased operating costs (including increased rent) at the new location. The owner is responsible for designating the alternative site. Whether an alternative site is of substantially equivalent value is determined by standards generally accepted in the outdoor advertising industry, including visibility, traffic count, and demographic factors.

(d) For a sign that is required to be reconstructed, compensable costs include expenses of labor and materials and any loss in the value of the sign because of the reconstruction, determined according to standards and procedures applicable in a proceeding under Chapter 21, Property Code.

(e) For a sign that is required to be removed, compensable costs include the cash value of the sign, determined according to standards and procedures applicable in a proceeding under Chapter 21, Property Code.

(f) If a sign is required to be removed, the owner of the real property on which the sign was located is entitled to be compensated for the decrease in the value of the real property. The compensable cost is to be determined according to standards and procedures applicable in a proceeding under Chapter 21, Property Code.

SECTION 3. METHOD OF COMPENSATION. (a) In order to pay the compensable costs required under Section 2 of this article, the

1 governing body of any municipality is authorized to utilize only
2 the following methods prescribed by this section, or a combination
3 of those methods.

4 (b) The municipality, acting pursuant to the Property
5 Redevelopment and Tax Abatement Act (Article 1066f, Vernon's Texas
6 Civil Statutes), may abate municipal property taxes that otherwise
7 would be owed by the owner of a sign that is required to be
8 relocated or reconstructed. The abated taxes may be on any real or
9 personal property owned by the owner of the sign except residential
10 property. The right to the abatement of taxes is assignable by the
11 holder, and the assignee may use the right to abatement with
12 respect to taxes on any nonresidential property in the same taxing
13 jurisdiction. In any municipality where tax abatement is utilized
14 in order to pay compensable costs, such costs shall include
15 reasonable interest and such abatement period shall not exceed five
16 years.

17 (c) The municipality may allocate all or any part of the
18 municipal property taxes paid on signs, on the real property upon
19 which the signs are located, or on other real or personal property
20 owned by the owner of the sign to a special fund in the municipal
21 treasury, to be known as the sign abatement and community
22 beautification fund, and make payments from that fund to reimburse
23 compensable costs to owners of signs required to be relocated,
24 reconstructed, or removed.

25 (d) The municipality may provide for the issuance of sign
26 abatement revenue bonds and use the proceeds to make payments to
27 reimburse costs to the owners of signs required to be relocated,

1 reconstructed, or removed. The municipality may only use the
2 proceeds from such bonds for the removal, relocation, or
3 reconstruction of signs within the corporate limits of such
4 municipality.

5 (e) The municipality may pay compensable costs in cash.

6 (f) In any proceeding in which the reasonableness of
7 compensation is at issue and the compensation is to be provided
8 over a period longer than one year, the court shall consider
9 whether the duration of the period is reasonable under the
10 circumstances.

11 (g) If application of a municipal regulation would require
12 reconstruction of a sign in a manner that would make it ineffective
13 for its intended purpose, such as by substantially impairing the
14 sign's visibility, application of the regulation is treated as the
15 required removal of the sign for purposes of this article.

16 (h) In lieu of paying compensation, a city may exempt from
17 required relocation, reconstruction, or removal those signs
18 lawfully in place on the effective date of the requirement.

19 SECTION 4. EXCEPTIONS. (a) The requirements of this
20 article do not apply to any sign that was erected in violation of
21 local ordinances, laws, or regulations applicable at the time of
22 its erection.

23 (b) The requirements of this article do not apply to a sign
24 that, having been permitted to remain in place as a nonconforming
25 use, is required to be removed by a municipality because the sign,
26 or a substantial part of it, is blown down or otherwise destroyed
27 or dismantled for any purpose other than maintenance operations or

1 for changing the letters, symbols, or other matter on the sign.

2 (c) For purposes of Subsection (b) of this section, a sign
3 or substantial part of it is considered to have been destroyed only
4 if the cost of repairing the sign is more than 60 percent of the
5 cost of erecting a new sign of the same type at the same location.

6 (d) The requirements of this article do not apply to any
7 sign which:

8 (1) is constructed between April 23, 1985, and September 1,
9 1985; and

10 (2) does not conform to the standards prescribed by this Act
11 on its effective date.

12 ARTICLE 2

13 SECTION 1. LEGISLATIVE INTENT. It is the intent of the
14 legislature to promote and control the reasonable, orderly, and
15 effective display of outdoor advertising on all highways and roads
16 located outside the corporate limits of cities, towns, and villages
17 in Texas to promote the recreational value of public travel, and to
18 preserve natural beauty.

19 SECTION 2. DEFINITIONS. In this article:

20 (1) "Commission" means the State Highway and Public
21 Transportation Commission.

22 (2) "Rural road" means a road, street, way, thoroughfare, or
23 bridge that is located in an unincorporated area and is not
24 privately owned or controlled, any part of which is open to the
25 public for vehicular traffic, and over which the state or any of
26 its political subdivisions have jurisdiction.

27 (3) "Sign" means an outdoor structure, sign, display, light

1 device, figure, painting, drawing, message, plaque, poster,
2 billboard, or other thing that is designed, intended, or used to
3 advertise or inform and that is visible from the main-travelled way
4 of a rural road.

5 (4) "On-premise sign" means a freestanding sign identifying
6 or advertising a business, person, or activity, and installed and
7 maintained on the same premises as the business, person, or
8 activity.

9 (5) "Off-premise sign" means a sign displaying advertising
10 copy that pertains to a business, person, organization, activity,
11 event, place, service, or product not principally located or
12 primarily manufactured or sold on the premises on which the sign is
13 located.

14 (6) "Person" means an individual, association, or
15 corporation.

16 (7) "Portable sign" means a sign designed to be mounted on a
17 trailer, bench, wheeled carrier, or other nonmotorized mobile
18 structure.

19 SECTION 3. SPACING REQUIREMENTS. (a) An off-premise sign
20 having a face area of 301 square feet or more may not be erected
21 within 1,500 feet of another off-premise sign on the same side of
22 the roadway.

23 (b) An off-premise sign having a face area of at least 100
24 but less than 301 square feet may not be erected within 500 feet of
25 another off-premise sign on the same side of the roadway.

26 (c) An off-premise sign having a face area of less than 100
27 square feet may not be erected within 300 feet of another

1 off-premise sign on the same side of the roadway.

2 (d) For purposes of this section, each double-faced,
3 back-to-back, or V-type sign is treated as a single sign.

4 (e) Signs located at the same intersection are not in
5 violation of this section because of their nearness to one another
6 if they are located so that their messages are directed toward
7 traffic flowing in different directions.

8 SECTION 4. HEIGHT RESTRICTIONS. An on-premise or
9 off-premise sign may not be erected that exceeds an overall height
10 of 42-1/2 feet, excluding cutouts extending above the rectangular
11 border, measured from the highest point on the sign to the grade
12 level of the roadway from which the sign is to be viewed.
13 Provided, however, one sign per location shall be exempted from the
14 height restrictions of this section if such location is visible
15 from the main-travelled way of an interstate or primary system as
16 such terms are defined in Chapter 741, Acts of the 67th
17 Legislature, Regular Session, 1981 (Article 4477-9a, Vernon's Texas
18 Civil Statutes). A roof sign having a tight or solid surface may
19 not at any point exceed 24 feet above the roof level. Open roof
20 signs in which the uniform open area is not less than 40 percent of
21 total gross area may be erected to a height of 40 feet above the
22 roof level. The lowest point on a projecting sign must be at least
23 14 feet above grade.

24 SECTION 5. FACE RESTRICTIONS. An on-premise sign, other
25 than an on-premise wall sign, may not be erected that has a face
26 area exceeding 400 square feet, including cutouts but excluding
27 uprights, trim, and apron. An off-premise sign may not be erected

that has a face area exceeding 672 square feet, excluding cutouts, uprights, trim, and apron. Neither an on-premise nor an off-premise sign may have a cutout with an area larger than 20 percent of the sign's surface copy area.

SECTION 6. DETERMINATION OF SIZE. For signs of a double-faced, back-to-back, or V-type nature, each face is considered a separate sign in computing the face area.

SECTION 7. WIND LOADS; LOCATION AND ANCHORING OF PORTABLE SIGNS. (a) Each on-premise or off-premise sign erected or sited must be designed to resist wind loads as follows:

WIND LOAD PRESSURES IN POUNDS
PER SQUARE FOOT FOR ALL SIGNS

<u>Height, in feet</u> <u>above ground, as</u> <u>measured above the</u> <u>average level of</u> <u>the ground adjacent</u> <u>to the structure</u>	<u>Pressure,</u> <u>pounds per</u> <u>square foot</u>
0 - 30	20
31 - 50	25
51 - 99	35
100 - 199	45
200 - 299	50
300 - 399	55
400 - 500	60
501 - 800	70
Over 800	77

1 (b) A person may not place a portable sign on property of
2 another without first obtaining written permission from the owner
3 or the owner's authorized agent.

4 SECTION 8. NUMBER OF ON-PREMISE SIGNS. A business may not
5 maintain more than five on-premise signs per each frontage on a
6 single rural road at a single business location.

7 SECTION 9. ADMINISTRATION OF ARTICLE; RULEMAKING. (a) The
8 commission shall administer and enforce this article and shall
9 adopt rules to regulate the erection or maintenance of signs
10 covered under this article. The commission shall adopt rules
11 specifying the time for and manner of applying for a permit, the
12 form of the permit application, and the information that must be
13 included in a permit application.

14 (b) The commission by rule may require every applicant for a
15 permit to file with the commission a surety bond or other security
16 in a reasonable amount and payable to the commission to reimburse
17 it for the cost of removing a sign unlawfully erected or maintained
18 by a permittee. A rule adopted under this section must provide for
19 exemption from the requirement of furnishing a bond or security for
20 an applicant who has held five or more permits under this article
21 for at least one year and has not violated this article or a rule
22 adopted under this article during the preceding 12-month period.

23 (c) The commission may revoke a permit issued under this
24 article if the permittee:

25 (1) violates any provision or requirement of this article;

26 or

27 (2) violates a commission rule adopted under this article.

1 (d) A person whose permit is revoked may appeal the
2 revocation to a district court in Travis County. The appeal must
3 be taken not later than the 15th day after the date of the
4 commission's action.

5 (e) The commission shall issue a permit to a person whose
6 application complies with the commission's rules and whose sign, if
7 erected, would comply with the requirements of this article.

8 (f) The commission shall provide for a board of variance
9 which may, in appropriate cases and subject to appropriate
10 conditions and safeguards, make special exceptions to the
11 provisions of this article.

12 SECTION 9A. REGULATION IN CITY EXTRATERRITORIAL
13 JURISDICTION. Any municipality may extend the provisions of its
14 outdoor sign regulatory ordinance and enforce such ordinance within
15 its area of extraterritorial jurisdiction as otherwise provided by
16 law. However, any municipality, in lieu of such regulatory
17 ordinances, may allow the commission to regulate outdoor signs in
18 said city's extraterritorial jurisdiction by filing a written
19 notice with the commission.

20 SECTION 10. PERMIT FOR ERECTION OF SIGN. A person may not
21 erect an off-premise sign that is visible from the main-travelled
22 way of a rural road without having first obtained a permit from the
23 department. A permit issued under this section is valid for one
24 year. The commission by rule shall prescribe fees for the issuance
25 of permits in amounts determined by the commission to be sufficient
26 to enable the commission to recover the costs of enforcement of
27 this article. Fees collected under this section shall be deposited

1 in the state treasury and may be used only for the enforcement of
2 this article. Except as authorized pursuant to this Act, no permit
3 may be issued for an off-premise sign unless such sign is to be
4 located within 800 feet of one or more recognized commercial or
5 industrial business activities and located on the same side of the
6 roadway as such business.

7 SECTION 11. REPLACEMENT OR REPAIR OF SIGN. (a) When any
8 sign, or a substantial part of it, is blown down or otherwise
9 destroyed or taken down or removed for any purpose other than
10 maintenance operations or for changing the letters, symbols, or
11 other matter on the sign, it may not be reerected, reconstructed,
12 or rebuilt except in full conformance with the provisions and
13 requirements of this article.

14 (b) For purposes of Subsection (a) of this section, a sign
15 or substantial part of it is considered to have been destroyed only
16 if the cost of repairing the sign is more than 50 percent of the
17 cost of erecting a new sign of the same type at the same location.

18 SECTION 12. EXEMPTIONS. (a) The following are exempt from
19 this article:

20 (1) a sign in existence before the effective date of this
21 article;

22 (2) a sign that has as its purpose the protection of life
23 and property;

24 (3) a directional or other official sign authorized by law,
25 including a sign pertaining to natural wonders or scenic or
26 historic attractions;

27 (4) a sign or marker giving information about the location

1 of underground electric transmission lines, telegraph or telephone
2 properties and facilities, pipelines, public sewers, or waterlines;

3 (5) a sign erected by an agency of the state or a political
4 subdivision of the state; and

5 (6) a sign erected solely for and relating to a public
6 election, but only if:

7 (A) the sign is on private property;

8 (B) the sign is erected no sooner than the 60th day before
9 the election and is removed no later than the 10th day after the
10 election;

11 (C) the sign is constructed of lightweight material; and

12 (D) the surface area of the sign is not larger than 50
13 square feet.

14 (b) The following are exempt from the requirements of
15 Section 5 of this article:

16 (1) signs advertising the sale or lease of property on which
17 they are located; and

18 (2) on-premise wall signs.

19 (c) The exemption provided by Subsection (a)(1) of this
20 section does not exempt a sign from Section 13 of this article to
21 the extent that section applies.

22 SECTION 13. EXISTING OFF-PREMISE SIGNS. Not later than the
23 120th day after the effective date of this article each owner of an
24 off-premise sign erected before the effective date of this article
25 that is visible from the main-travelled way of a rural road shall
26 either remove the sign or register the sign with the commission.
27 The owner must pay a fee of \$25 for each sign that is registered.

1 This registration is valid for one year, but is renewable for an
2 annual fee of \$10 a sign, provided however, the commission may by
3 regulation provide for a longer renewal period not to exceed five
4 years.

5 SECTION 14. CIVIL AND ADMINISTRATIVE PENALTIES. (a) A
6 person who intentionally violates this article or a rule adopted by
7 the commission under this article is liable to the state for a
8 civil penalty. The attorney general or a county or district
9 attorney may sue to collect the penalty.

10 (b) The amount of the civil penalty is not less than \$150
11 nor more than \$1,000 for each violation, depending on the
12 seriousness of the violation. A separate civil penalty may be
13 collected for each day on which a continuing violation occurs.

14 (c) In lieu of a suit to collect a civil penalty, the
15 commission may, after notice and an opportunity for hearing before
16 the commission, assess an administrative penalty against a person
17 who intentionally violates this article or a rule adopted by the
18 commission under this article. The amount of an administrative
19 penalty may not exceed the maximum amount of a civil penalty under
20 this section. A continuing violation is subject to separate
21 administrative penalties in the same manner as it is subject to
22 separate civil penalties. A proceeding on the assessment of an
23 administrative penalty under this subsection is a contested case
24 for purposes of the Administrative Procedure and Texas Register Act
25 (Article 6252-13a, Vernon's Texas Civil Statutes). On appeal of
26 the assessment of an administrative penalty under this subsection,
27 the manner of review is by trial de novo.

1 (d) If it is shown at the trial for collection of a civil
2 penalty under this section or on appeal of an administrative
3 penalty under this section that a judgment for a civil penalty, or
4 a final order, not timely appealed, or a judgment for an
5 administrative penalty, was previously assessed against the person,
6 in addition to any penalty that may be assessed for the subsequent
7 violation the court shall order the revocation of any permit held
8 by the person for the location at which the subsequent violation
9 occurred.

10 (e) Civil and administrative penalties collected under this
11 article shall be deposited in the state treasury to the credit of
12 the state highway fund.

13 SECTION 15. DISPOSITION OF FEES. Except as provided by
14 Section 10 of this article, permit or registration fees collected
15 by the commission under this article shall be deposited in the
16 state treasury to the credit of the state highway fund.

17 ARTICLE 3

18 SECTION 1. Section 3, Property Redevelopment and Tax
19 Abatement Act (Article 1066f, Vernon's Texas Civil Statutes), is
20 amended to read as follows:

21 Sec. 3. DESIGNATION OF REINVESTMENT ZONES. (a) To be
22 designated as a reinvestment zone, an area must:

23 (1) substantially impair or arrest the sound growth of a
24 city or town, retard the provision of housing accommodations, or
25 constitute an economic or social liability and be a menace to the
26 public health, safety, morals, or welfare in its present condition
27 and use by reason of the presence of a substantial number of

1 substandard, slum, deteriorated, or deteriorating structures;
2 predominance of defective or inadequate sidewalk or street layout;
3 faulty lot layout in relation to size, accessibility, or
4 usefulness; unsanitary or unsafe conditions; deterioration of site
5 or other improvements; tax or special assessment delinquency
6 exceeding the fair value of the land; defective or unusual
7 conditions of title; the existence of conditions that endanger life
8 or property by fire or other cause; or any combination of these
9 factors or conditions;

10 (2) be predominantly open and, because of obsolete platting
11 or deterioration of structures or site improvements, or other
12 factors, substantially impair or arrest the sound growth of the
13 city or town;

14 (3) be in a federally assisted new community located within
15 a home-rule city or in an area immediately adjacent to the
16 federally assisted new community;

17 (4) be located wholly within an area which meets the
18 requirements for federal assistance under Section 119 of the
19 Housing and Community Development Act of 1974; [er]

20 (5) encompass signs, billboards, and other outdoor
21 advertising structures designated by the governing body of the
22 incorporated city or town for relocation, reconstruction, or
23 removal for the purpose of enhancing the physical environment of
24 the city or town, which the legislature hereby declares to be a
25 public purpose; or

26 (6) be designated a local or state-federal enterprise zone
27 under the Texas Enterprise Zone Act.

1 (b) For the purposes of Subdivision (3) of Subsection (a) of
2 this section, a federally assisted new community is a federally
3 assisted area that received or will receive assistance in the form
4 of loan guarantees under Title X of the National Housing Act and a
5 portion of the federally assisted area has received grants under
6 Section 107(a)(1) of the Housing and Community Development Act of
7 1974.

8 (c) The governing body of an incorporated city or town may
9 designate, by boundaries, as a reinvestment zone any area, or real
10 or personal property whose use is directly related to the business
11 of outdoor advertising, within the taxing jurisdiction of the city
12 or town that the governing body finds to satisfy the requirements
13 of Subsection (a) of this section, subject to the limitations set
14 forth by Section 4 of this Act. The governing body of an
15 incorporated city or town shall designate a reinvestment zone
16 eligible for residential property tax abatement, or
17 commercial-industrial tax abatement, or tax incentive financing as
18 provided for in the Texas Tax Increment Financing Act of 1981
19 (Article 1066e, Vernon's Texas Civil Statutes) [S-B--No--167--67th
20 Legislature, 1st-Called-Session, 1981].

21 ARTICLE 4

22 SECTION 1. EFFECTIVE DATE. This Act takes effect September
23 1, 1985.

24 SECTION 2. EFFECT OF PARTIAL INVALIDITY. (a) The
25 legislature declares that it would not have enacted this Act
26 without the inclusion of Section 3(a) of Article 1, to the extent
27 that provision excludes modes of compensation not specifically

1 authorized by that provision. If this exclusion of alternative
2 modes of compensation is for any reason held invalid by a final
3 judgment of a court of competent jurisdiction, the remainder of
4 this Act is void.

5 (b) Except as provided by Subsection (a) of this section,
6 this Act is severable as provided by Chapter 45, Acts of the 63rd
7 Legislature, Regular Session, 1973 (Article 11a, Vernon's Texas
8 Civil Statutes).

9 SECTION 3. COURT-APPROVED SETTLEMENT. Nothing in this Act
10 affects a court-approved settlement entered into before the
11 effective date of this Act in any litigation in a court of the
12 United States involving the validity of municipal regulation of
13 signs. To the extent a provision of this Act conflicts with the
14 terms of such a settlement, the terms of the settlement prevail.

15 SECTION 4. EMERGENCY. The importance of this legislation
16 and the crowded condition of the calendars in both houses create an
17 emergency and an imperative public necessity that the
18 constitutional rule requiring bills to be read on three several
19 days in each house be suspended, and this rule is hereby suspended.

By Messer, et al.

C.S.H.B. No. 1330

SENATE AMENDMENT NO. 1

A BILL TO BE ENTITLED

AN ACT

relating to state and local regulation of outdoor signs.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1

SECTION 1. LEGISLATIVE INTENT. (a) This article is not intended to require a municipality to provide for the relocation, reconstruction, or removal of any sign in the municipality, nor is it intended to prohibit a municipality from requiring the relocation, reconstruction, or removal of any sign. This article is intended only to authorize a municipality to take that action and to establish the procedure by which the municipality may do so.

(b) This article is not intended to require a municipality to make a cash payment to compensate the owner of a sign that the municipality requires to be relocated, reconstructed, or removed. Cash payment is established as only one of several methods from which a municipality may choose in compensating the owner of a sign.

(c) This article is not intended to affect any eminent domain proceeding in which the taking of a sign is only an incidental part of the exercise of the eminent domain power.

SECTION 2. DEFINITIONS. In this article:

(1) "Sign" means an outdoor structure, sign, display, light

1 device, figure, painting, drawing, message, plaque, poster,
2 billboard, or other thing that is designed, intended, or used to
3 advertise or inform.

4 (2) "On-premise sign" means a freestanding sign identifying
5 or advertising a business, person, or activity, and installed and
6 maintained on the same premises as the business, person, or
7 activity.

8 (3) "Off-premise sign" means a sign displaying advertising
9 copy that pertains to a business, person, organization, activity,
10 event, place, service, or product not principally located or
11 primarily manufactured or sold on the premises on which the sign is
12 located.

13 (4) "Municipality" means an incorporated city, town, or
14 village, including a home-rule city.

15 SECTION 3. MUNICIPAL BOARD. (a) If a municipality requires
16 the relocation, reconstruction, or removal of a sign within its
17 corporate limits, the presiding officer of the governing body of
18 the municipality shall appoint a municipal board on sign control.
19 The board must be composed of the following persons:

20 (1) two persons who must be real estate appraisers
21 registered with the Society of Real Estate Appraisers;

22 (2) one person who must be engaged in the sign business in
23 the municipality;

24 (3) one person who must be an employee of the State
25 Department of Highways and Public Transportation and must be
26 familiar with real estate valuations in eminent domain proceedings;
27 and

1 (4) one person who must be an architect or a landscape
2 architect licensed by this state.

3 (b) A member of the board is appointed for a term of two
4 years.

5 (c) The board has the powers and duties given to it by this
6 article.

7 SECTION 4. RELOCATION, RECONSTRUCTION, OR REMOVAL OF
8 SIGN: COMPENSATION OF OWNER. (a) Subject to the requirements of
9 this article, a municipality may require the relocation,
10 reconstruction, or removal of any sign within its corporate limits.

11 (b) The owner of a sign that is required to be relocated,
12 reconstructed, or removed is entitled to be compensated by the
13 municipality as provided by this section for costs associated with
14 the relocation, reconstruction, or removal. The municipal board on
15 sign control shall determine under this section the amount of the
16 compensation. The determination shall be made after the owner of
17 the sign is given the opportunity for a hearing before the board
18 about the issues involved in the matter.

19 (c) For a sign that is required to be relocated, compensable
20 costs include the expenses of dismantling the sign, transporting it
21 to another site, and reerecting it, determined according to the
22 standards and procedures applicable in a proceeding under Chapter
23 21, Property Code. In addition, the municipality shall issue to
24 the owner an appropriate permit or other authority to operate at an
25 alternative site of substantially equivalent value a substitute
26 sign of the same type and compensate the owner for any increased
27 operating costs (including increased rent) at the new location.

1 The owner is responsible for designating the alternative site.
2 Whether an alternative site is of substantially equivalent value is
3 determined by standards generally accepted in the outdoor
4 advertising industry, including visibility, traffic count, and
5 demographic factors.

6 (d) For a sign that is required to be reconstructed,
7 compensable costs include expenses of labor and materials and any
8 loss in the value of the sign because of the reconstruction,
9 determined according to standards and procedures applicable in a
10 proceeding under Chapter 21, Property Code.

11 (e)(1) For an off-premise sign that is required to be
12 removed, the compensable cost is an amount computed by determining
13 the average annual gross revenue received by the owner from the
14 sign during the two years immediately preceding the month in which
15 the removal date for the sign occurs and by multiplying that amount
16 by three. If the sign has not been in existence for the entire
17 two-year period, the compensable cost is an amount computed by
18 dividing 12 by the number of months that the sign has been in
19 existence, multiplying that result by the total amount of the gross
20 revenue received for the period that the sign has been in
21 existence, and multiplying that result by three. In determining
22 the amounts under this paragraph, a sign is treated as if it were
23 in existence for the entire month if it was in existence for more
24 than 15 days of the month and is treated as if it were not in
25 existence for any part of the month if it was in existence for 15
26 or fewer days of the month.

27 (2) For an on-premise sign that is required to be removed,

1 the compensable cost is an amount computed by determining a
2 reasonable balance between the original cost of the sign, less
3 depreciation, and the current replacement cost of the sign, less an
4 adjustment for the present age and condition of the sign.

5 (f) If a sign is required to be removed, the owner of the
6 real property on which the sign was located is entitled to be
7 compensated for the decrease in the value of the real property.
8 The compensable cost is to be determined according to standards and
9 procedures applicable in a proceeding under Chapter 21, Property
10 Code.

11 SECTION 5. METHOD OF COMPENSATION. (a) In order to pay the
12 compensable costs required under Section 4 of this article, the
13 governing body of any municipality is authorized to utilize only
14 the following methods prescribed by this section, or a combination
15 of those methods.

16 (b) The municipality, acting pursuant to the Property
17 Redevelopment and Tax Abatement Act (Article 1066f, Vernon's Texas
18 Civil Statutes), may abate municipal property taxes that otherwise
19 would be owed by the owner of a sign that is required to be
20 relocated or reconstructed. The abated taxes may be on any real or
21 personal property owned by the owner of the sign except residential
22 property. The right to the abatement of taxes is assignable by the
23 holder, and the assignee may use the right to abatement with
24 respect to taxes on any nonresidential property in the same taxing
25 jurisdiction. In any municipality where tax abatement is utilized
26 in order to pay compensable costs, such costs shall include
27 reasonable interest and such abatement period shall not exceed five

1 years.

2 (c) The municipality may allocate all or any part of the
3 municipal property taxes paid on signs, on the real property upon
4 which the signs are located, or on other real or personal property
5 owned by the owner of the sign to a special fund in the municipal
6 treasury, to be known as the sign abatement and community
7 beautification fund, and make payments from that fund to reimburse
8 compensable costs to owners of signs required to be relocated,
9 reconstructed, or removed.

10 (d) The municipality may provide for the issuance of sign
11 abatement revenue bonds and use the proceeds to make payments to
12 reimburse costs to the owners of signs required to be relocated,
13 reconstructed, or removed. The municipality may only use the
14 proceeds from such bonds for the removal, relocation, or
15 reconstruction of signs within the corporate limits of such
16 municipality.

17 (e) The municipality may pay compensable costs in cash.

18 (f) In any proceeding in which the reasonableness of
19 compensation is at issue and the compensation is to be provided
20 over a period longer than one year, the court shall consider
21 whether the duration of the period is reasonable under the
22 circumstances.

23 (g) If application of a municipal regulation would require
24 reconstruction of a sign in a manner that would make it ineffective
25 for its intended purpose, such as by substantially impairing the
26 sign's visibility, application of the regulation is treated as the
27 required removal of the sign for purposes of this article.

1 (h) In lieu of paying compensation, a city may exempt from
2 required relocation, reconstruction, or removal those signs
3 lawfully in place on the effective date of the requirement.

4 SECTION 6. SPECIAL PROVISIONS FOR SIGNS UNDER SIGN ORDINANCE
5 ON CERTAIN DATE. (a) If, on June 1, 1985, a municipality has in
6 effect an ordinance requiring the relocation, reconstruction, or
7 removal of any sign and if the ordinance provides for compensating
8 a sign owner under an amortization plan, the compensation for a
9 sign's relocation, reconstruction, or removal is to be determined
10 under this section instead of under Section 4 of this article.

11 (b) The municipal board on sign control shall compile a list
12 of the signs that, on September 1, 1985, are not in compliance with
13 the sign ordinance. The board shall compile the list before
14 December 1, 1985.

15 (c) Before December 15, 1985, the board shall have made a
16 diligent effort to mail a written notice to the owner of each sign
17 on the list. The notice must be sent through the United States
18 Postal Service. The notice must state that the sign is on the list
19 of signs that are not in compliance with the sign ordinance, must
20 describe the sign by general type and by location, and must
21 describe the action that is required of the owner under Subsection
22 (d) of this section. If either the identification of an owner of a
23 sign on the list or the address of the owner cannot be determined
24 by the board after the board has made a diligent effort to do so,
25 the board, before December 15, 1985, shall cause a notice to be
26 published in a newspaper of general circulation in the
27 municipality. The newspaper notice must contain information

1 similar to that required to be in the personal written notice.

2 (d) Before February 1, 1986, the owner of a sign that is on
3 the list compiled by the board shall file with the board a record
4 of the owner's signs that the owner determines can be brought into
5 compliance with the sign ordinance at a cost of 15 percent or less
6 of the value of the sign and also shall file another record of the
7 signs that the owner determines cannot be brought into compliance
8 at that cost. If an owner fails to file the required information
9 about a sign, the board shall treat the sign as if the owner had
10 recorded it as being unable to be brought into compliance at the
11 cost of 15 percent or less.

12 (e) Before March 15, 1986, the board shall verify the
13 records filed with the board under Subsection (d) of this section.
14 If the board questions an owner's determination made under
15 Subsection (d), the board shall obtain three competitive bids
16 regarding the cost at which the sign can be brought into compliance
17 with the sign ordinance. After receiving the bids, the board may
18 make its own determination regarding the sign. The verification,
19 including any determination the board may make as authorized by
20 this subsection, may be made only after the owner of the signs is
21 given an opportunity for a hearing before the board about the
22 issues involved in the matter. As part of the verification process
23 the board shall appraise the value of the signs at market value.

24 (f) Of an owner's signs that the board verifies can be
25 brought into compliance at the cost of 15 percent or less, the
26 board shall permit the owner to keep one-half of those signs as
27 nonconforming uses and shall require the other one-half to be

1 brought into compliance at no cost to the municipality. If an
2 owner has an odd number of signs involved, the one additional sign
3 that prevents an exact one-half division shall be added to the
4 number of signs permitted as nonconforming uses. In making its
5 determination of which signs to permit as nonconforming uses and
6 which to require to be brought into compliance, the board shall
7 consider the requests of the owner and shall consider other
8 relevant factors, including factors such as geography, density,
9 value, traffic flow, and cost of compliance.

10 (g) The signs that are required to be brought into
11 compliance are subject to the following schedule:

12 (1) one-third of those signs must be brought into compliance
13 before July 1, 1986;

14 (2) another one-third of those signs must be brought into
15 compliance before July 1, 1987; and

16 (3) the remaining one-third must be brought into compliance
17 before July 1, 1988.

18 (h) For signs that the board verifies cannot be brought into
19 compliance at the cost of 15 percent or less, the board shall
20 determine the entire useful life of those signs by type or
21 category, such as the categories of mono-pole signs, metal signs,
22 and wood signs. For those signs, the governing body of the
23 municipality may:

24 (1) permit the signs to be kept in place as nonconforming
25 uses for a period computed by taking the entire useful life of the
26 sign, subtracting from that useful life the period that the sign
27 has been under the municipality's amortization plan, and

1 multiplying that result by 65 percent; or

2 (2) pay the sign owner, by one of the methods described by
3 Section 5 of this article, 65 percent of the compensable costs of
4 the relocation, reconstruction, or removal of the sign, as those
5 costs are determined under Section 4 of this article.

6 (i) For each sign that cannot be brought into compliance at
7 the cost of 15 percent or less, the board shall file with the
8 appropriate property tax appraisal office the board's market value
9 appraisal of the sign. The board shall file the information on or
10 before March 15, 1986. The appraisal office shall consider the
11 board's appraisal when the office, for property tax purposes,
12 determines in 1986 and later years the appraised value of the real
13 property to which the sign is attached.

14 SECTION 7. EXCEPTIONS. (a) The requirements of this
15 article do not apply to any sign that was erected in violation of
16 local ordinances, laws, or regulations applicable at the time of
17 its erection.

18 (b) The requirements of this article do not apply to a sign
19 that, having been permitted to remain in place as a nonconforming
20 use, is required to be removed by a municipality because the sign,
21 or a substantial part of it, is blown down or otherwise destroyed
22 or dismantled for any purpose other than maintenance operations or
23 for changing the letters, symbols, or other matter on the sign.

24 (c) For purposes of Subsection (b) of this section, a sign
25 or substantial part of it is considered to have been destroyed only
26 if the cost of repairing the sign is more than 60 percent of the
27 cost of erecting a new sign of the same type at the same location.

1 (d) This article does not apply to an off-premise sign that
2 is erected and maintained in compliance with the highway
3 beautification provisions contained in Article IV, Texas Litter
4 Abatement Act (Article 4477-9a, Vernon's Texas Civil Statutes).

5 ARTICLE 2

6 SECTION 1. LEGISLATIVE INTENT. It is the intent of the
7 legislature to promote and control the reasonable, orderly, and
8 effective display of outdoor advertising on all highways and roads
9 located outside the corporate limits of cities, towns, and villages
10 in Texas to promote the recreational value of public travel, and to
11 preserve natural beauty.

12 SECTION 2. DEFINITIONS. In this article:

13 (1) "Commission" means the State Highway and Public
14 Transportation Commission.

15 (2) "Rural road" means a road, street, way, thoroughfare, or
16 bridge that is located in an unincorporated area and is not
17 privately owned or controlled, any part of which is open to the
18 public for vehicular traffic, and over which the state or any of
19 its political subdivisions have jurisdiction.

20 (3) "Sign" means an outdoor structure, sign, display, light
21 device, figure, painting, drawing, message, plaque, poster,
22 billboard, or other thing that is designed, intended, or used to
23 advertise or inform and that is visible from the main-travelled way
24 of a rural road.

25 (4) "On-premise sign" means a freestanding sign identifying
26 or advertising a business, person, or activity, and installed and
27 maintained on the same premises as the business, person, or

1 activity.

2 (5) "Off-premise sign" means a sign displaying advertising
3 copy that pertains to a business, person, organization, activity,
4 event, place, service, or product not principally located or
5 primarily manufactured or sold on the premises on which the sign is
6 located.

7 (6) "Person" means an individual, association, or
8 corporation.

9 (7) "Portable sign" means a sign designed to be mounted on a
10 trailer, bench, wheeled carrier, or other nonmotorized mobile
11 structure.

12 SECTION 3. SPACING REQUIREMENTS. (a) An off-premise sign
13 having a face area of 301 square feet or more may not be erected
14 within 1,500 feet of another off-premise sign on the same side of
15 the roadway.

16 (b) An off-premise sign having a face area of at least 100
17 but less than 301 square feet may not be erected within 500 feet of
18 another off-premise sign on the same side of the roadway.

19 (c) An off-premise sign having a face area of less than 100
20 square feet may not be erected within 300 feet of another
21 off-premise sign on the same side of the roadway.

22 (d) For purposes of this section, each double-faced,
23 back-to-back, or V-type sign is treated as a single sign.

24 (e) Signs located at the same intersection are not in
25 violation of this section because of their nearness to one another
26 if they are located so that their messages are directed toward
27 traffic flowing in different directions.

SECTION 4. HEIGHT RESTRICTIONS. An on-premise or off-premise sign may not be erected that exceeds an overall height of 42-1/2 feet, excluding cutouts extending above the rectangular border, measured from the highest point on the sign to the grade level of the roadway from which the sign is to be viewed. A roof sign having a tight or solid surface may not at any point exceed 24 feet above the roof level. Open roof signs in which the uniform open area is not less than 40 percent of total gross area may be erected to a height of 40 feet above the roof level. The lowest point on a projecting sign must be at least 14 feet above grade.

SECTION 5. FACE RESTRICTIONS. An on-premise sign, other than an on-premise wall sign, may not be erected that has a face area exceeding 400 square feet, including cutouts but excluding uprights, trim, and apron. An off-premise sign may not be erected that has a face area exceeding 672 square feet, excluding cutouts, uprights, trim, and apron. Neither an on-premise nor an off-premise sign may have a cutout with an area larger than 20 percent of the sign's surface copy area.

SECTION 6. DETERMINATION OF SIZE. For signs of a double-faced, back-to-back, or V-type nature, each face is considered a separate sign in computing the face area.

SECTION 7. WIND LOADS; LOCATION AND ANCHORING OF PORTABLE SIGNS. (a) Each on-premise or off-premise sign erected or sited must be designed to resist wind loads as follows:

WIND LOAD PRESSURES IN POUNDS

PER SQUARE FOOT FOR ALL SIGNS

Height, in feet

1	<u>above ground, as</u>	
2	<u>measured above the</u>	
3	<u>average level of</u>	<u>Pressure,</u>
4	<u>the ground adjacent</u>	<u>pounds per</u>
5	<u>to the structure</u>	<u>square foot</u>
6	0 - 30	20
7	31 - 50	25
8	51 - 99	35
9	100 - 199	45
10	200 - 299	50
11	300 - 399	55
12	400 - 500	60
13	501 - 800	70
14	Over 800	77

15 (b) A person may not place a portable sign on property of
 16 another without first obtaining written permission from the owner
 17 or the owner's authorized agent.

18 SECTION 8. NUMBER OF ON-PREMISE SIGNS. A business may not
 19 maintain more than five on-premise signs per each frontage on a
 20 single rural road at a single business location.

21 SECTION 9. ADMINISTRATION OF ARTICLE; RULEMAKING. (a) The
 22 commission shall administer and enforce this article and shall
 23 adopt rules to regulate the erection or maintenance of signs
 24 covered under this article. The commission shall adopt rules
 25 specifying the time for and manner of applying for a permit, the
 26 form of the permit application, and the information that must be
 27 included in a permit application.

1 (b) The commission by rule may require every applicant for a
2 permit to file with the commission a surety bond or other security
3 in a reasonable amount and payable to the commission to reimburse
4 it for the cost of removing a sign unlawfully erected or maintained
5 by a permittee. A rule adopted under this section must provide for
6 exemption from the requirement of furnishing a bond or security for
7 an applicant who has held five or more permits under this article
8 for at least one year and has not violated this article or a rule
9 adopted under this article during the preceding 12-month period.
10 Any person engaged primarily in the business of erecting signs that
11 advertise companies located or products sold on the premises on
12 which the signs are erected must file with the commission a surety
13 bond in the amount of at least \$100,000 and payable to the
14 commission to reimburse it for the cost of removing a sign
15 unlawfully erected or maintained by the person; a person may not be
16 exempted from this requirement.

17 (c) The commission may revoke a permit issued under this
18 article if the permittee:

19 (1) violates any provision or requirement of this article;
20 or

21 (2) violates a commission rule adopted under this article.

22 (d) A person whose permit is revoked may appeal the
23 revocation to a district court in Travis County. The appeal must
24 be taken not later than the 15th day after the date of the
25 commission's action.

26 (e) The commission shall issue a permit to a person whose
27 application complies with the commission's rules and whose sign, if

1 erected, would comply with the requirements of this article.

2 (f) The commission shall provide for a board of variance
3 which may, in appropriate cases and subject to appropriate
4 conditions and safeguards, make special exceptions to the
5 provisions of this article.

6 SECTION 9A. REGULATION IN CITY EXTRATERRITORIAL
7 JURISDICTION. Any municipality may extend the provisions of its
8 outdoor sign regulatory ordinance and enforce such ordinance within
9 its area of extraterritorial jurisdiction as otherwise provided by
10 law. However, any municipality, in lieu of such regulatory
11 ordinances, may allow the commission to regulate outdoor signs in
12 said city's extraterritorial jurisdiction by filing a written
13 notice with the commission.

14 SECTION 10. PERMIT FOR ERECTION OF SIGN. A person may not
15 erect an off-premise sign that is visible from the main-travelled
16 way of a rural road without having first obtained a permit from the
17 commission. A permit issued under this section is valid for one
18 year. The commission by rule shall prescribe fees for the issuance
19 of permits in amounts determined by the commission to be sufficient
20 to enable the commission to recover the costs of enforcement of
21 this article. Fees collected under this section shall be deposited
22 in the state treasury and may be used only for the enforcement of
23 this article. Except as authorized pursuant to this Act, no permit
24 may be issued for an off-premise sign unless such sign is to be
25 located within 800 feet of one or more recognized commercial or
26 industrial business activities and located on the same side of the
27 roadway as such business.

1 SECTION 11. REPLACEMENT OR REPAIR OF SIGN. (a) When any
2 sign, or a substantial part of it, is blown down or otherwise
3 destroyed or taken down or removed for any purpose other than
4 maintenance operations or for changing the letters, symbols, or
5 other matter on the sign, it may not be reerected, reconstructed,
6 or rebuilt except in full conformance with the provisions and
7 requirements of this article.

8 (b) For purposes of Subsection (a) of this section, a sign
9 or substantial part of it is considered to have been destroyed only
10 if the cost of repairing the sign is more than 50 percent of the
11 cost of erecting a new sign of the same type at the same location.

12 SECTION 12. EXEMPTIONS. (a) The following are exempt from
13 this article:

14 (1) a sign the erection and maintenance of which is allowed
15 under the highway beautification provisions contained in Article
16 IV, Texas Litter Abatement Act (Article 4477-9a, Vernon's Texas
17 Civil Statutes);

18 (2) a sign in existence before the effective date of this
19 article;

20 (3) a sign that has as its purpose the protection of life
21 and property;

22 (4) a directional or other official sign authorized by law,
23 including a sign pertaining to natural wonders or scenic or
24 historic attractions;

25 (5) a sign or marker giving information about the location
26 of underground electric transmission lines, telegraph or telephone
27 properties and facilities, pipelines, public sewers, or waterlines;

1 (6) a sign erected by an agency of the state or a political
2 subdivision of the state; and

3 (7) a sign erected solely for and relating to a public
4 election, but only if:

5 (A) the sign is on private property;

6 (B) the sign is erected no sooner than the 60th day before
7 the election and is removed no later than the 10th day after the
8 election;

9 (C) the sign is constructed of lightweight material; and

10 (D) the surface area of the sign is not larger than 50
11 square feet.

12 (b) The following are exempt from the requirements of
13 Section 5 of this article:

14 (1) signs advertising the sale or lease of property on which
15 they are located; and

16 (2) on-premise wall signs.

17 (c) The exemption provided by Subsection (a)(2) of this
18 section does not exempt a sign from Section 13 of this article to
19 the extent that section applies.

20 SECTION 13. EXISTING OFF-PREMISE SIGNS. Not later than the
21 120th day after the effective date of this article each owner of an
22 off-premise sign erected before the effective date of this article
23 that is visible from the main-travelled way of a rural road shall
24 either remove the sign or register the sign with the commission.
25 The owner must pay a fee of \$25 for each sign that is registered.
26 This registration is valid for one year, but is renewable for an
27 annual fee of \$10 a sign, provided however, the commission may by

1 regulation provide for a longer renewal period not to exceed five
2 years.

3 SECTION 14. CIVIL AND ADMINISTRATIVE PENALTIES. (a) A
4 person who intentionally violates this article or a rule adopted by
5 the commission under this article is liable to the state for a
6 civil penalty. The attorney general or a county or district
7 attorney may sue to collect the penalty.

8 (b) The amount of the civil penalty is not less than \$150
9 nor more than \$1,000 for each violation, depending on the
10 seriousness of the violation. A separate civil penalty may be
11 collected for each day on which a continuing violation occurs.

12 (c) In lieu of a suit to collect a civil penalty, the
13 commission may, after notice and an opportunity for hearing before
14 the commission, assess an administrative penalty against a person
15 who intentionally violates this article or a rule adopted by the
16 commission under this article. The amount of an administrative
17 penalty may not exceed the maximum amount of a civil penalty under
18 this section. A continuing violation is subject to separate
19 administrative penalties in the same manner as it is subject to
20 separate civil penalties. A proceeding on the assessment of an
21 administrative penalty under this subsection is a contested case
22 for purposes of the Administrative Procedure and Texas Register Act
23 (Article 6252-13a, Vernon's Texas Civil Statutes). On appeal of
24 the assessment of an administrative penalty under this subsection,
25 the manner of review is by trial de novo.

26 (d) If it is shown at the trial for collection of a civil
27 penalty under this section or on appeal of an administrative

1 penalty under this section that a judgment for a civil penalty, or
2 a final order, not timely appealed, or a judgment for an
3 administrative penalty, was previously assessed against the person,
4 in addition to any penalty that may be assessed for the subsequent
5 violation the court shall order the revocation of any permit held
6 by the person for the location at which the subsequent violation
7 occurred.

8 (e) Civil and administrative penalties collected under this
9 article shall be deposited in the state treasury to the credit of
10 the state highway fund.

11 SECTION 15. DISPOSITION OF FEES. Except as provided by
12 Section 10 of this article, permit or registration fees collected
13 by the commission under this article shall be deposited in the
14 state treasury to the credit of the state highway fund.

15 SECTION 16. AUTHORITY OF CERTAIN COUNTIES OVER OFF-PREMISE
16 PORTABLE SIGNS. (a) Notwithstanding any other provision of this
17 article, the commissioners court of a county with a population of
18 1.7 million or more, according to the most recent federal census,
19 has exclusive authority to prohibit off-premise portable signs in
20 the unincorporated area of the county and to regulate the following
21 matters in that area:

22 (1) the location, height, size, and anchoring of off-premise
23 portable signs; and

24 (2) other matters relating to the use of off-premise
25 portable signs.

26 (b) If a county prohibition or regulation adopted under this
27 section conflicts with state law or with a rule adopted under state

1 law by a state agency, the county prohibition or regulation
2 prevails.

3 (c) The appropriate attorney representing the county in the
4 district court may seek injunctive relief to prevent the violation
5 or threatened violation of a prohibition or regulation adopted
6 under this section.

7 (d) The commissioners court may define an offense for the
8 violation of a prohibition or regulation adopted under this
9 section. If the commissioners court defines an offense, the
10 offense is a Class C misdemeanor. The offense is prosecuted in the
11 same manner as an offense defined by state law.

12 ARTICLE 3

13 SECTION 1. Section 3, Property Redevelopment and Tax
14 Abatement Act (Article 1066f, Vernon's Texas Civil Statutes), is
15 amended to read as follows:

16 Sec. 3. DESIGNATION OF REINVESTMENT ZONES. (a) To be
17 designated as a reinvestment zone, an area must:

18 (1) substantially impair or arrest the sound growth of a
19 city or town, retard the provision of housing accommodations, or
20 constitute an economic or social liability and be a menace to the
21 public health, safety, morals, or welfare in its present condition
22 and use by reason of the presence of a substantial number of
23 substandard, slum, deteriorated, or deteriorating structures;
24 predominance of defective or inadequate sidewalk or street layout;
25 faulty lot layout in relation to size, accessibility, or
26 usefulness; unsanitary or unsafe conditions; deterioration of site
27 or other improvements; tax or special assessment delinquency

1 exceeding the fair value of the land; defective or unusual
2 conditions of title; the existence of conditions that endanger life
3 or property by fire or other cause; or any combination of these
4 factors or conditions;

5 (2) be predominantly open and, because of obsolete platting
6 or deterioration of structures or site improvements, or other
7 factors, substantially impair or arrest the sound growth of the
8 city or town;

9 (3) be in a federally assisted new community located within
10 a home-rule city or in an area immediately adjacent to the
11 federally assisted new community;

12 (4) be located wholly within an area which meets the
13 requirements for federal assistance under Section 119 of the
14 Housing and Community Development Act of 1974; [er]

15 (5) encompass signs, billboards, and other outdoor
16 advertising structures designated by the governing body of the
17 incorporated city or town for relocation, reconstruction, or
18 removal for the purpose of enhancing the physical environment of
19 the city or town, which the legislature hereby declares to be a
20 public purpose; or

21 (6) be designated a local or state-federal enterprise zone
22 under the Texas Enterprise Zone Act.

23 (b) For the purposes of Subdivision (3) of Subsection (a) of
24 this section, a federally assisted new community is a federally
25 assisted area that received or will receive assistance in the form
26 of loan guarantees under Title X of the National Housing Act and a
27 portion of the federally assisted area has received grants under

1 Section 107(a)(1) of the Housing and Community Development Act of
2 1974.

3 (c) The governing body of an incorporated city or town may
4 designate, by boundaries, as a reinvestment zone any area, or real
5 or personal property whose use is directly related to the business
6 of outdoor advertising, within the taxing jurisdiction of the city
7 or town that the governing body finds to satisfy the requirements
8 of Subsection (a) of this section, subject to the limitations set
9 forth by Section 4 of this Act. The governing body of an
10 incorporated city or town shall designate a reinvestment zone
11 eligible for residential property tax abatement, or
12 commercial-industrial tax abatement, or tax incentive financing as
13 provided for in the Texas Tax Increment Financing Act of 1981
14 (Article 1066e, Vernon's Texas Civil Statutes) [S.B.-No.-167-67th
15 Legislature,--1st-Called-Session,--1981].

16 ARTICLE 4

17 SECTION 1. EFFECTIVE DATE. This Act takes effect September
18 1, 1985.

19 SECTION 2. EFFECT OF PARTIAL INVALIDITY. (a) The
20 legislature declares that it would not have enacted this Act
21 without the inclusion of Section 5(a) of Article 1, to the extent
22 that provision excludes modes of compensation not specifically
23 authorized by that provision. If this exclusion of alternative
24 modes of compensation is for any reason held invalid by a final
25 judgment of a court of competent jurisdiction, the remainder of
26 this Act is void.

27 (b) Except as provided by Subsection (a) of this section,

1 this Act is severable as provided by Chapter 45, Acts of the 63rd
2 Legislature, Regular Session, 1973 (Article 11a, Vernon's Texas
3 Civil Statutes).

4 SECTION 3. COURT-APPROVED SETTLEMENT. Nothing in this Act
5 affects a court-approved settlement entered into before the
6 effective date of this Act in any litigation in a court of the
7 United States involving the validity of municipal regulation of
8 signs. To the extent a provision of this Act conflicts with the
9 terms of such a settlement, the terms of the settlement prevail.

10 SECTION 4. EMERGENCY. The importance of this legislation
11 and the crowded condition of the calendars in both houses create an
12 emergency and an imperative public necessity that the
13 constitutional rule requiring bills to be read on three several
14 days in each house be suspended, and this rule is hereby suspended.

15 McFarland

16 SENATE AMENDMENT NO. 2

17 Amend C.S.H.B. 1330 by striking all below the enacting clause
18 and substituting the following:

19 ARTICLE 1

20 SECTION 1. LEGISLATIVE INTENT. (a) This article is not
21 intended to require a municipality to provide for the relocation,
22 reconstruction, or removal of any sign in the municipality, nor is
23 it intended to prohibit a municipality from requiring the
24 relocation, reconstruction, or removal of any sign. This article
25 is intended only to authorize a municipality to take that action
26 and to establish the procedure by which the municipality may do so.

27 (b) This article is not intended to require a municipality

1 to make a cash payment to compensate the owner of a sign that the
2 municipality requires to be relocated, reconstructed, or removed.
3 Cash payment is established as only one of several methods from
4 which a municipality may choose in compensating the owner of a
5 sign.

6 (c) This article is not intended to affect any eminent
7 domain proceeding in which the taking of a sign is only an
8 incidental part of the exercise of the eminent domain power.

9 SECTION 2. DEFINITIONS. In this article:

10 (1) "Sign" means an outdoor structure, sign, display, light
11 device, figure, painting, drawing, message, plaque, poster,
12 billboard, or other thing that is designed, intended, or used to
13 advertise or inform.

14 (2) "On-premise sign" means a freestanding sign identifying
15 or advertising a business, person, or activity, and installed and
16 maintained on the same premises as the business, person, or
17 activity.

18 (3) "Off-premise sign" means a sign displaying advertising
19 copy that pertains to a business, person, organization, activity,
20 event, place, service, or product not principally located or
21 primarily manufactured or sold on the premises on which the sign is
22 located.

23 (4) "Municipality" means an incorporated city, town, or
24 village, including a home-rule city.

25 SECTION 3. MUNICIPAL BOARD. (a) If a municipality requires
26 the relocation, reconstruction, or removal of a sign within its
27 corporate limits or extraterritorial jurisdiction, the presiding

1 officer of the governing body of the municipality shall appoint a
2 municipal board on sign control. The board must be composed of the
3 following persons:

4 (1) two persons who must be real estate appraisers
5 registered with the Society of Real Estate Appraisers or the
6 American Institute of Real Estate Appraisers;

7 (2) one person who must be engaged in the sign business in
8 the municipality;

9 (3) one person who must be an employee of the State
10 Department of Highways and Public Transportation and must be
11 familiar with real estate valuations in eminent domain proceedings;
12 and

13 (4) one person who must be an architect or a landscape
14 architect licensed by this state.

15 (b) A member of the board is appointed for a term of two
16 years.

17 (c) The board has the powers and duties given to it by this
18 article.

19 SECTION 4. RELOCATION, RECONSTRUCTION, OR REMOVAL OF
20 SIGN: COMPENSATION OF OWNER. (a) Subject to the requirements of
21 this article, a municipality may require the relocation,
22 reconstruction, or removal of any sign within its corporate limits
23 or extraterritorial jurisdiction.

24 (b) The owner of a sign that is required to be relocated,
25 reconstructed, or removed is entitled to be compensated by the
26 municipality as provided by this section for costs associated with
27 the relocation, reconstruction, or removal. The municipal board on

1 sign control shall determine under this section the amount of the
2 compensation. The determination shall be made after the owner of
3 the sign is given the opportunity for a hearing before the board
4 about the issues involved in the matter.

5 (c) For a sign that is required to be relocated, compensable
6 costs include the expenses of dismantling the sign, transporting it
7 to another site, and reerecting it, determined by the board
8 according to the standards applicable in a proceeding under Chapter
9 21, Property Code. In addition, the municipality shall issue to
10 the owner an appropriate permit or other authority to operate at an
11 alternative site of substantially equivalent value a substitute
12 sign of the same type and compensate the owner for any increased
13 operating costs (including increased rent) at the new location.
14 The owner is responsible for designating an alternative site where
15 the erection of the sign would be in compliance with the sign
16 ordinance. Whether an alternative site is of substantially
17 equivalent value is determined by standards generally accepted in
18 the outdoor advertising industry, including visibility, traffic
19 count, and demographic factors.

20 (d) For a sign that is required to be reconstructed,
21 compensable costs include expenses of labor and materials and any
22 loss in the value of the sign in excess of 15 percent of that value
23 due to the reconstruction, determined by the board according to
24 standards applicable in a proceeding under Chapter 21, Property
25 Code.

26 (e)(1) For an off-premise sign that is required to be
27 removed, the compensable cost is an amount computed by determining

the average annual gross revenue received by the owner from the sign during the two years immediately preceding September 1, 1985, or the two years immediately preceding the month in which the removal date of the sign occurs, whichever is less, and by multiplying that amount by three. If the sign has not been in existence for all of either two-year period, the average annual gross revenue for that period, for the purpose of this computation, is an amount computed by dividing 12 by the number of months that the sign has been in existence, and multiplying that result by the total amount of the gross revenue received for the period that the sign has been in existence. However, if the sign did not generate revenue for at least one month preceding September 1, 1985, this computation of compensable costs is to be made using only the average annual gross revenue received during the two years immediately preceding the month in which the removal date of the sign occurs, and by multiplying that amount by three. In determining the amounts under this paragraph, a sign is treated as if it were in existence for the entire month if it was in existence for more than 15 days of the month and is treated as if it were not in existence for any part of the month if it was in existence for 15 or fewer days of the month.

(2) For an on-premise sign that is required to be removed, the compensable cost is an amount computed by determining a reasonable balance between the original cost of the sign, less depreciation, and the current replacement cost of the sign, less an adjustment for the present age and condition of the sign.

(f) If an off-premise sign is required to be removed and the

1 sign owner's compensable cost for the sign is to be determined
2 under Subsection (e)(1) of this section, the owner of the real
3 property on which the sign was located is entitled to be
4 compensated for any decrease in the value of the real property.
5 The compensable cost is to be determined by the board according to
6 standards applicable in a proceeding under Chapter 21, Property
7 Code.

8 (g) For each nonconforming sign, the board shall file with
9 the appropriate property tax appraisal office the board's
10 compensable costs value appraisal of the sign. The appraisal
11 office shall consider the board's appraisal when the office, for
12 property tax purposes, determines the appraised value of the real
13 property to which the sign is attached.

14 SECTION 5. METHOD OF COMPENSATION. (a) In order to pay the
15 compensable costs required under Section 4 of this article, the
16 governing body of any municipality is authorized to utilize only
17 the following methods prescribed by this section, or a combination
18 of those methods.

19 (b) The municipality, acting pursuant to the Property
20 Redevelopment and Tax Abatement Act (Article 1066f, Vernon's Texas
21 Civil Statutes), may abate municipal property taxes that otherwise
22 would be owed by the owner of a sign that is required to be
23 relocated or reconstructed. The abated taxes may be on any real or
24 personal property owned by the owner of the sign except residential
25 property. The right to the abatement of taxes is assignable by the
26 holder, and the assignee may use the right to abatement with
27 respect to taxes on any nonresidential property in the same taxing

1 jurisdiction. In any municipality where tax abatement is utilized
2 in order to pay compensable costs, such costs shall include
3 reasonable interest and such abatement period shall not exceed five
4 years.

5 (c) The municipality may allocate all or any part of the
6 municipal property taxes paid on signs, on the real property upon
7 which the signs are located, or on other real or personal property
8 owned by the owner of the sign to a special fund in the municipal
9 treasury, to be known as the sign abatement and community
10 beautification fund, and make payments from that fund to reimburse
11 compensable costs to owners of signs required to be relocated,
12 reconstructed, or removed.

13 (d) The municipality may provide for the issuance of sign
14 abatement revenue bonds and use the proceeds to make payments to
15 reimburse costs to the owners of signs required to be relocated,
16 reconstructed, or removed. The municipality may only use the
17 proceeds from such bonds for the removal, relocation, or
18 reconstruction of signs within the corporate limits of such
19 municipality.

20 (e) The municipality may pay compensable costs in cash.

21 (f) In any proceeding in which the reasonableness of
22 compensation is at issue and the compensation is to be provided
23 over a period longer than one year, the court shall consider
24 whether the duration of the period is reasonable under the
25 circumstances.

26 (g) If application of a municipal regulation would require
27 reconstruction of a sign in a manner that would make it ineffective

1 for its intended purpose, such as by substantially impairing the
2 sign's visibility, application of the regulation is treated as the
3 required removal of the sign for purposes of this article.

4 (h) In lieu of paying compensation, a city may exempt from
5 required relocation, reconstruction, or removal those signs
6 lawfully in place on the effective date of the requirement.

7 SECTION 6. SPECIAL PROVISIONS FOR SIGNS UNDER SIGN ORDINANCE
8 ON CERTAIN DATE. (a) If, on June 1, 1985, a municipality has in
9 effect an ordinance requiring the relocation, reconstruction, or
10 removal of any sign and if the ordinance provides for compensating
11 a sign owner under an amortization plan, the compensation for a
12 sign's relocation, reconstruction, or removal is to be determined
13 under this section instead of under Section 4 of this article.

14 (b) The municipal board on sign control shall compile a list
15 of the signs that, on September 1, 1985, are not in compliance with
16 the sign ordinance. The board shall compile the list before
17 December 1, 1985.

18 (c) Before December 15, 1985, the board shall have made a
19 diligent effort to mail a written notice to the owner of each sign
20 on the list. The notice must be sent through the United States
21 Postal Service by certified or registered mail with return receipt
22 requested. The notice must state that the sign is on the list of
23 signs that are not in compliance with the sign ordinance, must
24 describe the sign by general type and by location, and must
25 describe the action that is required of the owner under Subsection
26 (d) of this section. If either the identification of an owner of a
27 sign on the list or the address of the owner cannot be determined

AMEND THE CAPTION TO CONFORM
TO THE BODY OF THE BILL

ADOPTED

MAY 25 1985

Boaty King
Secretary of the Senate

④

SENATE AMENDMENTS

2nd Printing

OF REPRESENTATIVE

By Messer, et al.

H.B. No. 1330

A BILL TO BE ENTITLED

AN ACT

relating to state and local regulation of outdoor signs.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1

SECTION 1. DEFINITIONS. In this article:

(1) "Sign" means an outdoor structure, sign, display, light device, figure, painting, drawing, message, plaque, poster, billboard, or other thing that is designed, intended, or used to advertise or inform.

(2) "Municipality" means an incorporated city, town, or village, including a home-rule city.

SECTION 2. RELOCATION, RECONSTRUCTION, OR REMOVAL OF SIGN: COMPENSATION OF OWNER. (a) Subject to the requirements of this article, a municipality may require the relocation, reconstruction, or removal of any sign within its corporate limits.

(b) The owner of a sign that is required to be relocated, reconstructed, or removed is entitled to be compensated by the municipality as provided by this section for costs associated with the relocation, reconstruction, or removal.

(c) For a sign that is required to be relocated, compensable costs include the expenses of dismantling the sign, transporting it to another site, and reerecting it, and the decrease in value of the property on which the sign was located, determined according to the standards and procedures applicable in a proceeding under

1 by the board after the board has made a diligent effort to do so,
2 the board, before December 15, 1985, shall cause a notice to be
3 published in a newspaper of general circulation in the
4 municipality. The newspaper notice must contain information
5 similar to that required to be in the personal written notice.

6 (d) Before February 1, 1986, the owner of a sign that is on
7 the list compiled by the board shall file with the board a record
8 of the owner's signs that the owner determines can be brought into
9 compliance with the sign ordinance at a cost of 15 percent or less
10 of the value of the sign and also shall file another record of the
11 signs that the owner determines cannot be brought into compliance
12 at that cost. If an owner fails to timely file the required
13 information about a sign, the board shall treat the sign as if the
14 owner had recorded it as being able to be brought into compliance
15 at a cost of 15 percent or less.

16 (e) Before March 15, 1986, the board shall verify the
17 records filed with the board under Subsection (d) of this section.
18 If the board questions an owner's determination made under
19 Subsection (d), the board shall obtain three competitive bids
20 regarding the cost at which the sign can be brought into compliance
21 with the sign ordinance. After receiving the bids, the board may
22 make its own determination regarding the sign. The verification,
23 including any determination the board may make as authorized by
24 this subsection, may be made only after the owner of the signs is
25 given an opportunity for a hearing before the board about the
26 issues involved in the matter. As part of the verification process
27 the board shall appraise the value of the signs at compensable

1 costs.

2 (f) Of an owner's signs that the board verifies can be
3 brought into compliance at the cost of 15 percent or less, the
4 board shall permit the owner to keep one-half of those signs as
5 nonconforming uses and shall require the other one-half to be
6 brought into compliance at no cost to the municipality. If an
7 owner has more than one sign and the total number of signs is an
8 odd number, the one additional sign that prevents an exact one-half
9 division shall be added to the number of signs permitted as
10 nonconforming uses. In making its determination of which signs to
11 permit as nonconforming uses and which to require to be brought
12 into compliance, the board shall consider the requests of the owner
13 and shall consider other relevant factors, including factors such
14 as geography, density, value, traffic flow, and cost of compliance.

15 (g) The signs that are required to be brought into
16 compliance are subject to the following schedule:

17 (1) one-third of those signs must be brought into compliance
18 before July 1, 1986;

19 (2) another one-third of those signs must be brought into
20 compliance before July 1, 1987; and

21 (3) the remaining one-third must be brought into compliance
22 before July 1, 1988.

23 (h) For signs that the board verifies cannot be brought into
24 compliance at the cost of 15 percent or less, the board shall
25 determine the entire useful life of those signs by type or
26 category, such as the categories of mono-pole signs, metal signs,
27 and wood signs. The useful life may not be solely determined by

1 the natural life expectancy of a sign. For those signs, the
2 governing body of the municipality may:

3 (1) permit the signs within the corporate limits of the
4 municipality to be kept in place as nonconforming uses for a period
5 computed by taking the entire useful life of the sign, subtracting
6 from that useful life the period that the sign has been under the
7 municipality's amortization plan, and multiplying that result by 65
8 percent;

9 (2) permit the signs within the extraterritorial
10 jurisdiction of a municipality to be kept in place as nonconforming
11 uses for a period computed by taking the entire useful life of the
12 sign and multiplying that useful life by 65 percent; or

13 (3) pay the sign owner, by one of the methods described by
14 Section 5 of this article, 65 percent of the compensable costs of
15 the relocation, reconstruction, or removal of the sign, as those
16 costs are determined under Section 4 of this article.

17 (i) For each nonconforming sign, the board shall file with
18 the appropriate property tax appraisal office the board's
19 compensable costs value appraisal of the sign. The board shall
20 file the information on or before March 15, 1986. The appraisal
21 office shall consider the board's appraisal when the office, for
22 property tax purposes, determines in 1986 and later years the
23 appraised value of the real property to which the sign is attached.

24 (j) If a sign is required to be removed and the sign owner
25 is to be compensated under Subsection (h)(3) of this section, the
26 owner of the real property on which the sign was located is
27 entitled to be compensated for 65 percent of any decrease in the

1 value of the real property. The compensable cost is to be
2 determined by the board according to standards applicable in a
3 proceeding under Chapter 21, Property Code. The governing body of
4 the municipality may pay the owner by one of the methods described
5 by Section 5 of this article.

6 SECTION 7. APPEAL. (a) Any person aggrieved by a decision
7 of the board may present to a district court a petition, duly
8 verified, setting forth that the decision is illegal, in whole or
9 in part, and specifying the grounds of the illegality. The
10 petition must be presented to the court not later than the 20th day
11 after the day the decision is rendered by the board.

12 (b) Upon presentation of the petition, the court may allow a
13 writ of certiorari directed to the board to review the decision of
14 the board and shall prescribe in the writ the time within which a
15 return must be made, which may not be less than 10 days and may be
16 extended by the court.

17 (c) The board is not required to return the original papers
18 acted upon by it, but it shall be sufficient to return certified or
19 sworn copies of the papers. The return must concisely set forth
20 all other facts as may be pertinent and material to show the
21 grounds of the decision appealed from and must be verified.

22 (d) The court may reverse or affirm, wholly or partly, or
23 may modify the decision brought up for review.

24 (e) Costs may not be allowed against the board unless it
25 shall appear to the court that the board acted with gross
26 negligence, in bad faith, or with malice in making the decision
27 appealed from.

1 SECTION 8. EXCEPTIONS. (a) The requirements of this
2 article do not apply to any sign that was erected in violation of
3 local ordinances, laws, or regulations applicable at the time of
4 its erection.

5 (b) The requirements of this article do not apply to a sign
6 that, having been permitted to remain in place as a nonconforming
7 use, is required to be removed by a municipality because the sign,
8 or a substantial part of it, is blown down or otherwise destroyed
9 or dismantled for any purpose other than maintenance operations or
10 for changing the letters, symbols, or other matter on the sign.

11 (c) For purposes of Subsection (b) of this section, a sign
12 or substantial part of it is considered to have been destroyed only
13 if the cost of repairing the sign is more than 60 percent of the
14 cost of erecting a new sign of the same type at the same location.

15 (d) This article may not be construed to limit or restrict
16 the compensation provisions of the highway beautification
17 provisions contained in Article IV, Texas Litter Abatement Act
18 (Article 4477-9a, Vernon's Texas Civil Statutes).

19 ARTICLE 2

20 SECTION 1. LEGISLATIVE INTENT. It is the intent of the
21 legislature to promote and control the reasonable, orderly, and
22 effective display of outdoor advertising on all highways and roads
23 located outside the corporate limits of cities, towns, and villages
24 in Texas to promote the recreational value of public travel, and to
25 preserve natural beauty.

26 SECTION 2. DEFINITIONS. In this article:

27 (1) "Commission" means the State Highway and Public

1 Transportation Commission.

2 (2) "Rural road" means a road, street, way, thoroughfare, or
3 bridge that is located in an unincorporated area and is not
4 privately owned or controlled, any part of which is open to the
5 public for vehicular traffic, and over which the state or any of
6 its political subdivisions have jurisdiction.

7 (3) "Sign" means an outdoor structure, sign, display, light
8 device, figure, painting, drawing, message, plaque, poster,
9 billboard, or other thing that is designed, intended, or used to
10 advertise or inform and that is visible from the main-travelled way
11 of a rural road.

12 (4) "On-premise sign" means a freestanding sign identifying
13 or advertising a business, person, or activity, and installed and
14 maintained on the same premises as the business, person, or
15 activity.

16 (5) "Off-premise sign" means a sign displaying advertising
17 copy that pertains to a business, person, organization, activity,
18 event, place, service, or product not principally located or
19 primarily manufactured or sold on the premises on which the sign is
20 located.

21 (6) "Person" means an individual, association, or
22 corporation.

23 (7) "Portable sign" means a sign designed to be mounted on a
24 trailer, bench, wheeled carrier, or other nonmotorized mobile
25 structure.

26 SECTION 3. SPACING REQUIREMENTS. (a) An off-premise sign
27 having a face area of 301 square feet or more may not be erected

1 within 1,500 feet of another off-premise sign on the same side of
2 the roadway.

3 (b) An off-premise sign having a face area of at least 100
4 but less than 301 square feet may not be erected within 500 feet of
5 another off-premise sign on the same side of the roadway.

6 (c) An off-premise sign having a face area of less than 100
7 square feet may not be erected within 150 feet of another
8 off-premise sign on the same side of the roadway.

9 (d) For purposes of this section, each double-faced,
10 back-to-back, or V-type sign is treated as a single sign.

11 (e) Signs located at the same intersection are not in
12 violation of this section because of their nearness to one another
13 if they are located so that their messages are directed toward
14 traffic flowing in different directions.

15 SECTION 4. HEIGHT RESTRICTIONS. An on-premise or
16 off-premise sign may not be erected that exceeds an overall height
17 of 42-1/2 feet, excluding cutouts extending above the rectangular
18 border, measured from the highest point on the sign to the grade
19 level of the roadway from which the sign is to be viewed. A roof
20 sign having a tight or solid surface may not at any point exceed 24
21 feet above the roof level. Open roof signs in which the uniform
22 open area is not less than 40 percent of total gross area may be
23 erected to a height of 40 feet above the roof level. The lowest
24 point on a projecting sign must be at least 14 feet above grade.

25 SECTION 5. FACE RESTRICTIONS. An on-premise sign, other
26 than an on-premise wall sign, may not be erected that has a face
27 area exceeding 400 square feet, including cutouts but excluding

1 uprights, trim, and apron. An off-premise sign may not be erected
2 that has a face area exceeding 672 square feet, excluding cutouts,
3 uprights, trim, and apron. Neither an on-premise nor an
4 off-premise sign may have a cutout with an area larger than 20
5 percent of the sign's surface copy area.

6 SECTION 6. DETERMINATION OF SIZE. For signs of a
7 double-faced, back-to-back, or V-type nature, each face is
8 considered a separate sign in computing the face area.

9 SECTION 7. WIND LOADS; LOCATION AND ANCHORING OF PORTABLE
10 SIGNS. (a) Each on-premise or off-premise sign erected or sited
11 must be designed to resist wind loads as follows:

WIND LOAD PRESSURES IN POUNDS

PER SQUARE FOOT FOR ALL SIGNS

<u>Height, in feet</u>		<u>Pressure,</u>
<u>above ground, as</u>		
<u>measured above the</u>		
<u>average level of</u>		<u>pounds per</u>
<u>the ground adjacent</u>		<u>square foot</u>
<u>to the structure</u>		
0 - 5		0
6 - 30		20
31 - 50		25
51 - 99		35
100 - 199		45
200 - 299		50
300 - 399		55
400 - 500		60
501 - 800		70
Over 800		77

(b) A person may not place a portable sign on property of another without first obtaining written permission from the owner or the owner's authorized agent.

SECTION 8. NUMBER OF ON-PREMISE SIGNS. A business may not maintain more than five on-premise signs per each frontage on a single rural road at a single business location.

SECTION 9. ADMINISTRATION OF ARTICLE; RULEMAKING. (a) The commission shall administer and enforce this article and shall adopt rules to regulate the erection or maintenance of signs

1 covered under this article. The commission shall adopt rules
2 specifying the time for and manner of applying for a permit, the
3 form of the permit application, and the information that must be
4 included in a permit application.

5 (b) The commission by rule may require every applicant for a
6 permit to file with the commission a surety bond or other security
7 in a reasonable amount and payable to the commission to reimburse
8 it for the cost of removing a sign unlawfully erected or maintained
9 by a permittee. A rule adopted under this section must provide for
10 exemption from the requirement of furnishing a bond or security for
11 an applicant who has held five or more permits under this article
12 for at least one year and has not violated this article or a rule
13 adopted under this article during the preceding 12-month period.
14 Any person engaged primarily in the business of erecting signs that
15 advertise companies located or products sold on the premises on
16 which the signs are erected must file with the commission a surety
17 bond in the amount of at least \$100,000 and payable to the
18 commission to reimburse it for the cost of removing a sign
19 unlawfully erected or maintained by the person; a person may not be
20 exempted from this requirement.

21 (c) The commission may revoke a permit issued under this
22 article if the permittee:

23 (1) violates any provision or requirement of this article;
24 or

25 (2) violates a commission rule adopted under this article.

26 (d) A person whose permit is revoked may appeal the
27 revocation to a district court in Travis County. The appeal must

1 be taken not later than the 15th day after the date of the
2 commission's action.

3 (e) The commission shall issue a permit to a person whose
4 application complies with the commission's rules and whose sign, if
5 erected, would comply with the requirements of this article.

6 (f) The commission shall provide for a board of variance
7 which may, in appropriate cases and subject to appropriate
8 conditions and safeguards, make special exceptions to the
9 provisions of this article.

10 SECTION 10. PERMIT FOR ERECTION OF SIGN. A person may not
11 erect an off-premise sign that is visible from the main-travelled
12 way of a rural road without having first obtained a permit from the
13 commission. A permit issued under this section is valid for one
14 year. The commission by rule shall prescribe fees for the issuance
15 of permits in amounts determined by the commission to be sufficient
16 to enable the commission to recover the costs of enforcement of
17 this article. Fees collected under this section shall be deposited
18 in the state treasury and may be used only for the enforcement of
19 this article. Except as authorized pursuant to this Act, no permit
20 may be issued for an off-premise sign unless such sign is to be
21 located within 800 feet of one or more recognized commercial or
22 industrial business activities and located on the same side of the
23 roadway as such business.

24 SECTION 11. REPLACEMENT OR REPAIR OF SIGN. (a) When any
25 sign, or a substantial part of it, is blown down or otherwise
26 destroyed or taken down or removed for any purpose other than
27 maintenance operations or for changing the letters, symbols, or

1 other matter on the sign, it may not be reerected, reconstructed,
2 or rebuilt except in full conformance with the provisions and
3 requirements of this article.

4 (b) For purposes of Subsection (a) of this section, a sign
5 or substantial part of it is considered to have been destroyed only
6 if the cost of repairing the sign is more than 50 percent of the
7 cost of erecting a new sign of the same type at the same location.

8 SECTION 12. EXEMPTIONS. (a) The following are exempt from
9 this article:

10 (1) a sign the erection and maintenance of which is allowed
11 under the highway beautification provisions contained in Article
12 IV, Texas Litter Abatement Act (Article 4477-9a, Vernon's Texas
13 Civil Statutes);

14 (2) a sign in existence before the effective date of this
15 article;

16 (3) a sign that has as its purpose the protection of life
17 and property;

18 (4) a directional or other official sign authorized by law,
19 including a sign pertaining to natural wonders or scenic or
20 historic attractions;

21 (5) a sign or marker giving information about the location
22 of underground electric transmission lines, telegraph or telephone
23 properties and facilities, pipelines, public sewers, or waterlines;

24 (6) a sign erected by an agency of the state or a political
25 subdivision of the state; and

26 (7) a sign erected solely for and relating to a public
27 election, but only if:

1 (A) the sign is on private property;

2 (B) the sign is erected no sooner than the 60th day before
3 the election and is removed no later than the 10th day after the
4 election;

5 (C) the sign is constructed of lightweight material; and

6 (D) the surface area of the sign is not larger than 50
7 square feet.

8 (b) The following are exempt from the requirements of
9 Section 5 of this article:

10 (1) signs advertising the sale or lease of property on which
11 they are located; and

12 (2) on-premise wall signs.

13 (c) The exemption provided by Subsection (a)(2) of this
14 section does not exempt a sign from Section 13 of this article to
15 the extent that section applies.

16 SECTION 13. EXISTING OFF-PREMISE SIGNS. Not later than the
17 120th day after the effective date of this article each owner of an
18 off-premise sign erected before the effective date of this article
19 that is visible from the main-travelled way of a rural road shall
20 either remove the sign or register the sign with the commission.
21 The owner must pay a fee of \$25 for each sign that is registered.
22 This registration is valid for one year, but is renewable for an
23 annual fee of \$10 a sign, provided however, the commission may by
24 regulation provide for a longer renewal period not to exceed five
25 years.

26 SECTION 14. CIVIL AND ADMINISTRATIVE PENALTIES. (a) A
27 person who intentionally violates this article or a rule adopted by

1 the commission under this article is liable to the state for a
2 civil penalty. The attorney general or a county or district
3 attorney may sue to collect the penalty.

4 (b) The amount of the civil penalty is not less than \$150
5 nor more than \$1,000 for each violation, depending on the
6 seriousness of the violation. A separate civil penalty may be
7 collected for each day on which a continuing violation occurs.

8 (c) In lieu of a suit to collect a civil penalty, the
9 commission may, after notice and an opportunity for hearing before
10 the commission, assess an administrative penalty against a person
11 who intentionally violates this article or a rule adopted by the
12 commission under this article. The amount of an administrative
13 penalty may not exceed the maximum amount of a civil penalty under
14 this section. A continuing violation is subject to separate
15 administrative penalties in the same manner as it is subject to
16 separate civil penalties. A proceeding on the assessment of an
17 administrative penalty under this subsection is a contested case
18 for purposes of the Administrative Procedure and Texas Register Act
19 (Article 6252-13a, Vernon's Texas Civil Statutes). On appeal of
20 the assessment of an administrative penalty under this subsection,
21 the manner of review is by trial de novo.

22 (d) If it is shown at the trial for collection of a civil
23 penalty under this section or on appeal of an administrative
24 penalty under this section that a judgment for a civil penalty, or
25 a final order, not timely appealed, or a judgment for an
26 administrative penalty, was previously assessed against the person,
27 in addition to any penalty that may be assessed for the subsequent

1 violation the court shall order the revocation of any permit held
2 by the person for the location at which the subsequent violation
3 occurred.

4 (e) Civil and administrative penalties collected under this
5 article shall be deposited in the state treasury to the credit of
6 the state highway fund.

7 SECTION 15. DISPOSITION OF FEES. Except as provided by
8 Section 10 of this article, permit or registration fees collected
9 by the commission under this article shall be deposited in the
10 state treasury to the credit of the state highway fund.

11 SECTION 16. REGULATION OF OFF-PREMISE PORTABLE SIGNS IN
12 CERTAIN COUNTIES. (a) The regulations imposed by or adopted under
13 the other sections of this article do not apply to off-premise
14 portable signs in the unincorporated area of a county with a
15 population of 1.7 million or more, according to the most recent
16 federal census. In such a county, the commissioners court may
17 prohibit off-premise portable signs in the unincorporated area of
18 the county and may regulate the following matters in that area:

19 (1) the location, height, size, and anchoring of off-premise
20 portable signs; and

21 (2) other matters relating to the use of off-premise
22 portable signs.

23 (b) If a county prohibition or regulation adopted under this
24 section conflicts with state law or with a rule adopted under state
25 law by a state agency, the county prohibition or regulation
26 prevails. If a county prohibition or regulation adopted under
27 this section conflicts with a municipal sign ordinance that has

1 been extended within the municipality's extraterritorial
2 jurisdiction as permitted by Article 3 of this Act, the municipal
3 ordinance prevails in that area.

4 (c) The appropriate attorney representing the county in the
5 district court may seek injunctive relief to prevent the violation
6 or threatened violation of a prohibition or regulation adopted
7 under this section.

8 (d) The commissioners court may define an offense for the
9 violation of a prohibition or regulation adopted under this
10 section. If the commissioners court defines an offense, the
11 offense is a Class C misdemeanor. The offense is prosecuted in the
12 same manner as an offense defined by state law.

13 ARTICLE 3

14 SECTION 1. REGULATION IN CITY EXTRATERRITORIAL JURISDICTION.

15 Any municipality may extend the provisions of its outdoor sign
16 regulatory ordinance and enforce such ordinance within its area of
17 extraterritorial jurisdiction as defined by the Municipal
18 Annexation Act (Article 970a, Vernon's Texas Civil Statutes).
19 However, any municipality, in lieu of such regulatory ordinances,
20 may allow the State Highway and Public Transportation Commission to
21 regulate outdoor signs in that city's extraterritorial jurisdiction
22 by filing a written notice with the commission.

23 SECTION 2. PRECEDENCE OF MUNICIPAL ORDINANCE. If a

24 municipality extends its outdoor sign ordinance within its area of
25 extraterritorial jurisdiction, the municipal ordinance supersedes
26 the regulations imposed by or adopted under Article 2 of this Act.

ARTICLE 4

SECTION 1. Section 3, Property Redevelopment and Tax Abatement Act (Article 1066f, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 3. DESIGNATION OF REINVESTMENT ZONES. (a) To be designated as a reinvestment zone, an area must:

(1) substantially impair or arrest the sound growth of a city or town, retard the provision of housing accommodations, or constitute an economic or social liability and be a menace to the public health, safety, morals, or welfare in its present condition and use by reason of the presence of a substantial number of substandard, slum, deteriorated, or deteriorating structures; predominance of defective or inadequate sidewalk or street layout; faulty lot layout in relation to size, accessibility, or usefulness; unsanitary or unsafe conditions; deterioration of site or other improvements; tax or special assessment delinquency exceeding the fair value of the land; defective or unusual conditions of title; the existence of conditions that endanger life or property by fire or other cause; or any combination of these factors or conditions;

(2) be predominantly open and, because of obsolete platting or deterioration of structures or site improvements, or other factors, substantially impair or arrest the sound growth of the city or town;

(3) be in a federally assisted new community located within a home-rule city or in an area immediately adjacent to the federally assisted new community;

1 (4) be located wholly within an area which meets the
2 requirements for federal assistance under Section 119 of the
3 Housing and Community Development Act of 1974; [er]

4 (5) encompass signs, billboards, and other outdoor
5 advertising structures designated by the governing body of the
6 incorporated city or town for relocation, reconstruction, or
7 removal for the purpose of enhancing the physical environment of
8 the city or town, which the legislature hereby declares to be a
9 public purpose; or

10 (6) be designated a local or state-federal enterprise zone
11 under the Texas Enterprise Zone Act.

12 (b) For the purposes of Subdivision (3) of Subsection (a) of
13 this section, a federally assisted new community is a federally
14 assisted area that received or will receive assistance in the form
15 of loan guarantees under Title X of the National Housing Act and a
16 portion of the federally assisted area has received grants under
17 Section 107(a)(1) of the Housing and Community Development Act of
18 1974.

19 (c) The governing body of an incorporated city or town may
20 designate, by boundaries, as a reinvestment zone any area, or real
21 or personal property whose use is directly related to the business
22 of outdoor advertising, within the taxing jurisdiction of the city
23 or town that the governing body finds to satisfy the requirements
24 of Subsection (a) of this section, subject to the limitations set
25 forth by Section 4 of this Act. The governing body of an
26 incorporated city or town shall designate a reinvestment zone
27 eligible for residential property tax abatement, or

1 commercial-industrial tax abatement, or tax incentive financing as
2 provided for in the Texas Tax Increment Financing Act of 1981
3 (Article 1066e, Vernon's Texas Civil Statutes) [~~S.B. No. 167~~ 67th
4 Legislature, 1st Called Session, 1981].

5 ARTICLE 5

6 SECTION 1. EFFECTIVE DATE. This Act takes effect September
7 1, 1985, except that Article 3 of this Act takes effect
8 immediately.

9 SECTION 2. EFFECT OF PARTIAL INVALIDITY. (a) The
10 legislature declares that it would not have enacted this Act
11 without the inclusion of Section 5(a) of Article 1, to the extent
12 that provision excludes modes of compensation not specifically
13 authorized by that provision. If this exclusion of alternative
14 modes of compensation is for any reason held invalid by a final
15 judgment of a court of competent jurisdiction, the remainder of
16 this Act is void.

17 (b) Except as provided by Subsection (a) of this section,
18 this Act is severable as provided by Chapter 45, Acts of the 63rd
19 Legislature, Regular Session, 1973 (Article 11a, Vernon's Texas
20 Civil Statutes).

21 SECTION 3. COURT-APPROVED SETTLEMENT. Nothing in this Act
22 affects a court-approved settlement entered into before the
23 effective date of this Act in any litigation in a court of the
24 United States involving the validity of municipal regulation of
25 signs. To the extent a provision of this Act conflicts with the
26 terms of such a settlement, the terms of the settlement prevail.

27 SECTION 4. EMERGENCY. The importance of this legislation

1 and the crowded condition of the calendars in both houses create an
2 emergency and an imperative public necessity that the
3 constitutional rule requiring bills to be read on three several
4 days in each house be suspended, and this rule is hereby suspended,
5 and that this Act take effect and be in force according to its
6 terms, and it is so enacted.

7 69R7607 MRB-D

McFarland

8 SENATE AMENDMENT NO. 3

9 Amend the floor substitute to C.S.H.B. 1330 by adding a new
10 Subsection 6(k) to read as follows:

11 "For a sign erected after the effective date of this Act and
12 as to any sign currently in place which is made non-conforming by
13 an extension of or strengthening of an ordinance which was in
14 effect on June 1, 1985, and contained an amortization plan then the
15 amortization period shall equal useful life as determined by the
16 board in Subsection (h) but without regard to the computations
17 provided in Subsection (h)(1)(2) or (3)."

18 McFarland

19 SENATE AMENDMENT NO. 4

20 Amend the caption to conform to the body of the bill.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 22, 1985

Honorable Ray Farabee, Chairman
Committee on State Affairs
Senate Chamber
Austin, Texas

In Re: Senate Committee Substitute for
House Bill No. 1330

Sir:

In response to your request for a Fiscal Note on Senate Committee Substitute for House Bill No. 1330 (relating to state and local regulation of outdoor signs) this office has determined the following:

The bill would authorize a municipality to take action necessary to relocate, reconstruct, or remove any sign in the municipality and to establish the procedures by which the municipality may do so.

A special provision is included for all cities which have ordinances as of June 1, 1985 providing for compensation for owners of signs which are not in compliance with city ordinances. Nine cities currently have such amortization plans. For these cities, compensation would be calculated according to a formula in the bill.

For all other cities, a different rate of compensation is required for the relocation, reconstruction, or removal of any sign that is not in compliance with city ordinances. The fiscal implication to units of local government cannot be determined.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would also authorize the State Department of Highways and Public Transportation to control and issue sign permits and renewals on all state and state political subdivision roads. Currently, the department only issues permits on interstate and federal aid primary roads and does not require renewal of permits.


The State Department of Highways and Public Transportation estimates that there are 10,000 existing signs with 300 new signs each year. The cost of administration and revenue are based on the statutory fee of \$25 with a renewal fee of \$10.00 on existing signs.

The revenue from fees would be deposited to the credit of the State Highway Fund and could be appropriated for administration of the Act. The estimated cost of administration, however, exceeds the estimated revenue from the fees. For purposes of this fiscal note it is assumed that other revenues transferred from the General Revenue Fund to the State Highway Fund could legally be used for administration of this Act if appropriated for that purpose, thereby avoiding the question of using constitutionally dedicated revenues.

The probable fiscal implication of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Administrative Cost Out of the State Highway Fund</u>	<u>Probable Revenue Gain to the State Highway Fund</u>	<u>Change in Number of State Employees from FY 1985</u>
1986	\$776,364	\$250,000	+ 24
1987	776,364	107,500	+ 24
1988	776,364	107,500	+ 24
1989	776,364	107,500	+ 24
1990	776,364	107,500	+ 24

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.


Jim Oliver
Director

Source: Department of Highways and Public Transportation;
Comptroller of Public Accounts; Texas Municipal
League; LBB Staff: JO, JH, AL, PA

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 10, 1985

Honorable Ray Farabee, Chairman
Committee on State Affairs
Senate Chamber
Austin, Texas

In Re: House Bill No. 1330, as engrossed
By: Messer

Sir:

In response to your request for a Fiscal Note on House Bill No. 1330, as engrossed (relating to state and local regulation of outdoor signs) this office has determined the following:

The bill would require those cities which regulate outdoor sign location through an amortization period to compensate sign owners retroactively for costs associated with relocation, reconstruction, or removal of signs. Nine cities currently enforce amortization periods for sign removal at the end of which a sign owner must meet city specifications at his own expense. The cost of this bill to these cities is not known but is expected to be significant. Houston officials anticipate a possible \$60 million cost for removal of its nonconforming outdoor signs.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would also authorize the State Department of Highways and Public Transportation to control and issue sign permits and renewals on all state and state political subdivision roads. Currently, the department only issues permits on interstate and federal aid primary roads and does not require renewal of permits.

The State Department of Highways and Public Transportation estimates that there are 10,000 existing signs with 300 new signs each year. The cost of administration and revenue are based on the statutory fee of \$25 with a renewal fee of \$10.00 on existing signs.

The revenue from fees would be deposited to the credit of the State Highway Fund and could be appropriated for administration of the Act. The estimated cost of administration, however, exceeds the estimated revenue from the fees. For purposes of this fiscal note it is assumed that other revenues transferred from the General Revenue Fund to the State Highway Fund could legally be used for administration of this Act if appropriated for that purpose, thereby avoiding the question of using constitutionally dedicated revenues.

The probable fiscal implication of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Administrative Cost Out of the State Highway Fund</u>	<u>Probable Revenue Gain to the State Highway Fund</u>	<u>Change in Number of State Employees from FY 1985</u>
1986	\$776,364	\$250,000	+ 24
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1990	776,364	107,500	+ 24

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.


Jim Oliver
Director

Source: Department of Highways and Public Transportation;
Comptroller of Public Accounts; Texas Municipal
League; LBB Staff: JO, JH, AL, BL

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 24, 1985

Honorable Pete Laney, Chair
Committee on State Affairs
House of Representatives
Austin, Texas

In Re: House Bill No. 1330
By: Messer

Sir:

In response to your request for a Fiscal Note on House Bill No. 1330 (relating to state and local regulation of outdoor signs) this office has determined the following:

The bill would require those cities which regulate outdoor sign location through an amortization period to compensate sign owners retroactively for costs associated with relocation, reconstruction, or removal of signs. Nine cities currently enforce amortization periods for sign removal at the end of which a sign owner must meet city specifications at his own expense. The cost of this bill to these cities is not known but is expected to be significant. Houston officials anticipate a possible \$60 million cost for removal of its nonconforming outdoor signs.

The bill would also authorize the State Department of Highways and Public Transportation to control and issue sign permits and renewals on all state and state political subdivision roads. Currently, the department only issues permits on interstate and federal aid primary roads and does not require renewal of permits.

The probable fiscal implication of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Administrative Cost Out of the State Highway Fund</u>	<u>Probable Revenue Gain to the State Highway Fund</u>	<u>Change in Number of State Employees from FY 1985</u>
1986	\$776,364	\$250,000	+ 24
1987	776,364	107,500	+ 24
1988	776,364	107,500	+ 24
1989	776,364	107,500	+ 24
1990	776,364	107,500	+ 24

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.


Jim Oliver
Director

Source: Department of Highways and Public Transportation;
Comptroller of Public Accounts; Texas Municipal
League; LBB Staff: JO, JH, AL, BL

69FHB1330

6

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

April 4, 1985

Honorable Pete Laney, Chair
Committee on State Affairs
House of Representatives
Austin, Texas

In Re: House Bill No. 1330,
as amended
By: Messer

Sir:

In response to your request for a Fiscal Note on House Bill No. 1330, as amended (relating to state and local regulation of outdoor signs) this office has determined the following:

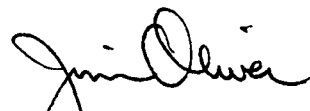
The bill would require those cities which regulate outdoor sign location through an amortization period to compensate sign owners retroactively for costs associated with relocation, reconstruction, or removal of signs. Nine cities currently enforce amortization periods for sign removal at the end of which a sign owner must meet city specifications at his own expense. The cost of this bill to these cities is not known but is expected to be significant. Houston officials anticipate a possible \$60 million cost for removal of its nonconforming outdoor signs.

The bill would also authorize the State Department of Highways and Public Transportation to control and issue sign permits and renewals on all state and state political subdivision roads. Currently, the department only issues permits on interstate and federal aid primary roads and does not require renewal of permits.

The probable fiscal implication of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	<u>Probable Administrative Cost Out of the State Highway Fund</u>	<u>Probable Revenue Gain to the State Highway Fund</u>	<u>Change in Number of State Employees from FY 1985</u>
1986	\$776,364	\$776,364	+ 24
1987	776,364	776,364	+ 24
1988	776,364	776,364	+ 24
1989	776,364	776,364	+ 24
1990	776,364	776,364	+ 24

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.


Jim Oliver
Director

Source: Department of Highways and Public Transportation;
Comptroller of Public Accounts; Texas Municipal
League; LBB Staff: JO, JH, AL, LV

F

ENROLLED

H.B. No. 1330

1 AN ACT

2 relating to state and local regulation of outdoor signs.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 ARTICLE 1

5 SECTION 1. LEGISLATIVE INTENT. (a) This article is not
6 intended to require a municipality to provide for the relocation,
7 reconstruction, or removal of any sign in the municipality, nor is
8 it intended to prohibit a municipality from requiring the
9 relocation, reconstruction, or removal of any sign. This article
10 is intended only to authorize a municipality to take that action
11 and to establish the procedure by which the municipality may do so.

12 (b) This article is not intended to require a municipality
13 to make a cash payment to compensate the owner of a sign that the
14 municipality requires to be relocated, reconstructed, or removed.
15 Cash payment is established as only one of several methods from
16 which a municipality may choose in compensating the owner of a
17 sign.

18 (c) This article is not intended to affect any eminent
19 domain proceeding in which the taking of a sign is only an
20 incidental part of the exercise of the eminent domain power.

21 SECTION 2. DEFINITIONS. In this article:

22 (1) "Sign" means an outdoor structure, sign, display, light
23 device, figure, painting, drawing, message, plaque, poster,
24 billboard, or other thing that is designed, intended, or used to

1 advertise or inform.

2 (2) "On-premise sign" means a freestanding sign identifying
3 or advertising a business, person, or activity, and installed and
4 maintained on the same premises as the business, person, or
5 activity.

6 (3) "Off-premise sign" means a sign displaying advertising
7 copy that pertains to a business, person, organization, activity,
8 event, place, service, or product not principally located or
9 primarily manufactured or sold on the premises on which the sign is
10 located.

11 (4) "Municipality" means an incorporated city, town, or
12 village, including a home-rule city.

13 SECTION 3. MUNICIPAL BOARD. (a) If a municipality requires
14 the relocation, reconstruction, or removal of a sign within its
15 corporate limits or extraterritorial jurisdiction, the presiding
16 officer of the governing body of the municipality shall appoint a
17 municipal board on sign control. The board must be composed of the
18 following persons:

19 (1) two persons who must be real estate appraisers
20 registered with the Society of Real Estate Appraisers or the
21 American Institute of Real Estate Appraisers;

22 (2) one person who must be engaged in the sign business in
23 the municipality;

24 (3) one person who must be an employee of the State
25 Department of Highways and Public Transportation and must be
26 familiar with real estate valuations in eminent domain proceedings;
27 and

1 (4) one person who must be an architect or a landscape
2 architect licensed by this state.

3 (b) A member of the board is appointed for a term of two
4 years.

5 (c) The board has the powers and duties given to it by this
6 article.

7 SECTION 4. RELOCATION, RECONSTRUCTION, OR REMOVAL OF
8 SIGN: COMPENSATION OF OWNER. (a) Subject to the requirements of
9 this article, a municipality may require the relocation,
10 reconstruction, or removal of any sign within its corporate limits
11 or extraterritorial jurisdiction.

12 (b) The owner of a sign that is required to be relocated,
13 reconstructed, or removed is entitled to be compensated by the
14 municipality as provided by this section for costs associated with
15 the relocation, reconstruction, or removal. The municipal board on
16 sign control shall determine under this section the amount of the
17 compensation. The determination shall be made after the owner of
18 the sign is given the opportunity for a hearing before the board
19 about the issues involved in the matter.

20 (c) For a sign that is required to be relocated, compensable
21 costs include the expenses of dismantling the sign, transporting it
22 to another site, and reerecting it, determined by the board
23 according to the standards applicable in a proceeding under Chapter
24 21, Property Code. In addition, the municipality shall issue to
25 the owner an appropriate permit or other authority to operate at an
26 alternative site of substantially equivalent value a substitute
27 sign of the same type and compensate the owner for any increased

operating costs (including increased rent) at the new location. The owner is responsible for designating an alternative site where the erection of the sign would be in compliance with the sign ordinance. Whether an alternative site is of substantially equivalent value is determined by standards generally accepted in the outdoor advertising industry, including visibility, traffic count, and demographic factors.

(d) For a sign that is required to be reconstructed, compensable costs include expenses of labor and materials and any loss in the value of the sign in excess of 15 percent of that value due to the reconstruction, determined by the board according to standards applicable in a proceeding under Chapter 21, Property Code.

(e)(1) For an off-premise sign that is required to be removed, the compensable cost is an amount computed by determining the average annual gross revenue received by the owner from the sign during the two years immediately preceding September 1, 1985, or the two years immediately preceding the month in which the removal date of the sign occurs, whichever is less, and by multiplying that amount by three. If the sign has not been in existence for all of either two-year period, the average annual gross revenue for that period, for the purpose of this computation, is an amount computed by dividing 12 by the number of months that the sign has been in existence, and multiplying that result by the total amount of the gross revenue received for the period that the sign has been in existence. However, if the sign did not generate revenue for at least one month preceding September 1, 1985, this

1 computation of compensable costs is to be made using only the
2 average annual gross revenue received during the two years
3 immediately preceding the month in which the removal date of the
4 sign occurs, and by multiplying that amount by three. In
5 determining the amounts under this paragraph, a sign is treated as
6 if it were in existence for the entire month if it was in existence
7 for more than 15 days of the month and is treated as if it were not
8 in existence for any part of the month if it was in existence for
9 15 or fewer days of the month.

10 (2) For an on-premise sign that is required to be removed,
11 the compensable cost is an amount computed by determining a
12 reasonable balance between the original cost of the sign, less
13 depreciation, and the current replacement cost of the sign, less an
14 adjustment for the present age and condition of the sign.

15 (f) If an off-premise sign is required to be removed and the
16 sign owner's compensable cost for the sign is to be determined
17 under Subsection (e)(1) of this section, the owner of the real
18 property on which the sign was located is entitled to be
19 compensated for any decrease in the value of the real property.
20 The compensable cost is to be determined by the board according to
21 standards applicable in a proceeding under Chapter 21, Property
22 Code.

23 (g) For each nonconforming sign, the board shall file with
24 the appropriate property tax appraisal office the board's
25 compensable costs value appraisal of the sign. The appraisal
26 office shall consider the board's appraisal when the office, for
27 property tax purposes, determines the appraised value of the real

1 property to which the sign is attached.

2 SECTION 5. METHOD OF COMPENSATION. (a) In order to pay the
3 compensable costs required under Section 4 of this article, the
4 governing body of any municipality is authorized to utilize only
5 the following methods prescribed by this section, or a combination
6 of those methods.

7 (b) The municipality, acting pursuant to the Property
8 Redevelopment and Tax Abatement Act (Article 1066f, Vernon's Texas
9 Civil Statutes), may abate municipal property taxes that otherwise
10 would be owed by the owner of a sign that is required to be
11 relocated or reconstructed. The abated taxes may be on any real or
12 personal property owned by the owner of the sign except residential
13 property. The right to the abatement of taxes is assignable by the
14 holder, and the assignee may use the right to abatement with
15 respect to taxes on any nonresidential property in the same taxing
16 jurisdiction. In any municipality where tax abatement is utilized
17 in order to pay compensable costs, such costs shall include
18 reasonable interest and such abatement period shall not exceed five
19 years.

20 (c) The municipality may allocate all or any part of the
21 municipal property taxes paid on signs, on the real property upon
22 which the signs are located, or on other real or personal property
23 owned by the owner of the sign to a special fund in the municipal
24 treasury, to be known as the sign abatement and community
25 beautification fund, and make payments from that fund to reimburse
26 compensable costs to owners of signs required to be relocated,
27 reconstructed, or removed.

1 (d) The municipality may provide for the issuance of sign
2 abatement revenue bonds and use the proceeds to make payments to
3 reimburse costs to the owners of signs required to be relocated,
4 reconstructed, or removed. The municipality may only use the
5 proceeds from such bonds for the removal, relocation, or
6 reconstruction of signs within the corporate limits of such
7 municipality.

8 (e) The municipality may pay compensable costs in cash.

9 (f) In any proceeding in which the reasonableness of
10 compensation is at issue and the compensation is to be provided
11 over a period longer than one year, the court shall consider
12 whether the duration of the period is reasonable under the
13 circumstances.

14 (g) If application of a municipal regulation would require
15 reconstruction of a sign in a manner that would make it ineffective
16 for its intended purpose, such as by substantially impairing the
17 sign's visibility, application of the regulation is treated as the
18 required removal of the sign for purposes of this article.

19 (h) In lieu of paying compensation, a city may exempt from
20 required relocation, reconstruction, or removal those signs
21 lawfully in place on the effective date of the requirement.

22 SECTION 6. SPECIAL PROVISIONS FOR SIGNS UNDER SIGN ORDINANCE
23 ON CERTAIN DATE. (a) If, on June 1, 1985, a municipality has in
24 effect an ordinance requiring the relocation, reconstruction, or
25 removal of any sign and if the ordinance provides for compensating
26 a sign owner under an amortization plan, the compensation for a
27 sign's relocation, reconstruction, or removal is to be determined

1 under this section instead of under Section 4 of this article.

2 (b) The municipal board on sign control shall compile a list
3 of the signs that, on September 1, 1985, are not in compliance with
4 the sign ordinance. The board shall compile the list before
5 December 1, 1985.

6 (c) Before December 15, 1985, the board shall have made a
7 diligent effort to mail a written notice to the owner of each sign
8 on the list. The notice must be sent through the United States
9 Postal Service by certified or registered mail with return receipt
10 requested. The notice must state that the sign is on the list of
11 signs that are not in compliance with the sign ordinance, must
12 describe the sign by general type and by location, and must
13 describe the action that is required of the owner under Subsection
14 (d) of this section. If either the identification of an owner of a
15 sign on the list or the address of the owner cannot be determined
16 by the board after the board has made a diligent effort to do so,
17 the board, before December 15, 1985, shall cause a notice to be
18 published in a newspaper of general circulation in the
19 municipality. The newspaper notice must contain information
20 similar to that required to be in the personal written notice.

21 (d) Before February 1, 1986, the owner of a sign that is on
22 the list compiled by the board shall file with the board a record
23 of the owner's signs that the owner determines can be brought into
24 compliance with the sign ordinance at a cost of 15 percent or less
25 of the value of the sign and also shall file another record of the
26 signs that the owner determines cannot be brought into compliance
27 at that cost. If an owner fails to timely file the required

1 information about a sign, the board shall treat the sign as if the
2 owner had recorded it as being able to be brought into compliance
3 at a cost of 15 percent or less.

4 (e) Before March 15, 1986, the board shall verify the
5 records filed with the board under Subsection (d) of this section.
6 If the board questions an owner's determination made under
7 Subsection (d), the board shall obtain three competitive bids
8 regarding the cost at which the sign can be brought into compliance
9 with the sign ordinance. After receiving the bids, the board may
10 make its own determination regarding the sign. The verification,
11 including any determination the board may make as authorized by
12 this subsection, may be made only after the owner of the signs is
13 given an opportunity for a hearing before the board about the
14 issues involved in the matter. As part of the verification process
15 the board shall appraise the value of the signs at compensable
16 costs.

17 (f) Of an owner's signs that the board verifies can be
18 brought into compliance at the cost of 15 percent or less, the
19 board shall permit the owner to keep one-half of those signs as
20 nonconforming uses and shall require the other one-half to be
21 brought into compliance at no cost to the municipality. If an
22 owner has more than one sign and the total number of signs is an
23 odd number, the one additional sign that prevents an exact one-half
24 division shall be added to the number of signs permitted as
25 nonconforming uses. In making its determination of which signs to
26 permit as nonconforming uses and which to require to be brought
27 into compliance, the board shall consider the requests of the owner

1 and shall consider other relevant factors, including factors such
2 as geography, density, value, traffic flow, and cost of compliance.

3 (g) The signs that are required to be brought into
4 compliance are subject to the following schedule:

5 (1) one-third of those signs must be brought into compliance
6 before July 1, 1986;

7 (2) another one-third of those signs must be brought into
8 compliance before July 1, 1987; and

9 (3) the remaining one-third must be brought into compliance
10 before July 1, 1988.

11 (h) For signs that the board verifies cannot be brought into
12 compliance at the cost of 15 percent or less, the board shall
13 determine the entire useful life of those signs by type or
14 category, such as the categories of mono-pole signs, metal signs,
15 and wood signs. The useful life may not be solely determined by
16 the natural life expectancy of a sign. For those signs, the
17 governing body of the municipality may:

18 (1) permit the signs within the corporate limits of the
19 municipality to be kept in place as nonconforming uses for a period
20 computed by taking the entire useful life of the sign, subtracting
21 from that useful life the period that the sign has been under the
22 municipality's amortization plan, and multiplying that result by 65
23 percent;

24 (2) permit the signs within the extraterritorial
25 jurisdiction of a municipality to be kept in place as nonconforming
26 uses for a period computed by taking the entire useful life of the
27 sign and multiplying that useful life by 65 percent; or

1 (3) pay the sign owner, by one of the methods described by
2 Section 5 of this article, 65 percent of the compensable costs of
3 the relocation, reconstruction, or removal of the sign, as those
4 costs are determined under Section 4 of this article.

5 (i) For each nonconforming sign, the board shall file with
6 the appropriate property tax appraisal office the board's
7 compensable costs value appraisal of the sign. The board shall
8 file the information on or before March 15, 1986. The appraisal
9 office shall consider the board's appraisal when the office, for
10 property tax purposes, determines in 1986 and later years the
11 appraised value of the real property to which the sign is attached.

12 (j) If a sign is required to be removed and the sign owner
13 is to be compensated under Subsection (h)(3) of this section, the
14 owner of the real property on which the sign was located is
15 entitled to be compensated for 65 percent of any decrease in the
16 value of the real property. The compensable cost is to be
17 determined by the board according to standards applicable in a
18 proceeding under Chapter 21, Property Code. The governing body of
19 the municipality may pay the owner by one of the methods described
20 by Section 5 of this article.

21 (k) For a sign erected after the effective date of this Act
22 and as to any sign currently in place that is made nonconforming by
23 an extension of or strengthening of an ordinance that was in effect
24 on June 1, 1985, and contained an amortization plan, then the
25 amortization period shall equal useful life as determined by the
26 board in Subsection (h) but without regard to the computations
27 provided in Subsection (h)(1), (2), or (3).

1 SECTION 7. APPEAL. (a) Any person aggrieved by a decision
2 of the board may present to a district court a petition, duly
3 verified, setting forth that the decision is illegal, in whole or
4 in part, and specifying the grounds of the illegality. The
5 petition must be presented to the court not later than the 20th day
6 after the day the decision is rendered by the board.

7 (b) Upon presentation of the petition, the court may allow a
8 writ of certiorari directed to the board to review the decision of
9 the board and shall prescribe in the writ the time within which a
10 return must be made, which may not be less than 10 days and may be
11 extended by the court.

12 (c) The board is not required to return the original papers
13 acted upon by it, but it shall be sufficient to return certified or
14 sworn copies of the papers. The return must concisely set forth
15 all other facts as may be pertinent and material to show the
16 grounds of the decision appealed from and must be verified.

17 (d) The court may reverse or affirm, wholly or partly, or
18 may modify the decision brought up for review.

19 (e) Costs may not be allowed against the board unless it
20 shall appear to the court that the board acted with gross
21 negligence, in bad faith, or with malice in making the decision
22 appealed from.

23 SECTION 8. EXCEPTIONS. (a) The requirements of this
24 article do not apply to any sign that was erected in violation of
25 local ordinances, laws, or regulations applicable at the time of
26 its erection.

27 (b) The requirements of this article do not apply to a sign

1 that, having been permitted to remain in place as a nonconforming
2 use, is required to be removed by a municipality because the sign,
3 or a substantial part of it, is blown down or otherwise destroyed
4 or dismantled for any purpose other than maintenance operations or
5 for changing the letters, symbols, or other matter on the sign.

6 (c) For purposes of Subsection (b) of this section, a sign
7 or substantial part of it is considered to have been destroyed only
8 if the cost of repairing the sign is more than 60 percent of the
9 cost of erecting a new sign of the same type at the same location.

10 (d) This article may not be construed to limit or restrict
11 the compensation provisions of the highway beautification
12 provisions contained in Article IV, Texas Litter Abatement Act
13 (Article 4477-9a, Vernon's Texas Civil Statutes).

14 ARTICLE 2

15 SECTION 1. LEGISLATIVE INTENT. It is the intent of the
16 legislature to promote and control the reasonable, orderly, and
17 effective display of outdoor advertising on all highways and roads
18 located outside the corporate limits of cities, towns, and villages
19 in Texas to promote the recreational value of public travel, and to
20 preserve natural beauty.

21 SECTION 2. DEFINITIONS. In this article:

22 (1) "Commission" means the State Highway and Public
23 Transportation Commission.

24 (2) "Rural road" means a road, street, way, thoroughfare, or
25 bridge that is located in an unincorporated area and is not
26 privately owned or controlled, any part of which is open to the
27 public for vehicular traffic, and over which the state or any of

1 its political subdivisions have jurisdiction.

2 (3) "Sign" means an outdoor structure, sign, display, light
3 device, figure, painting, drawing, message, plaque, poster,
4 billboard, or other thing that is designed, intended, or used to
5 advertise or inform and that is visible from the main-travelled way
6 of a rural road.

7 (4) "On-premise sign" means a freestanding sign identifying
8 or advertising a business, person, or activity, and installed and
9 maintained on the same premises as the business, person, or
10 activity.

11 (5) "Off-premise sign" means a sign displaying advertising
12 copy that pertains to a business, person, organization, activity,
13 event, place, service, or product not principally located or
14 primarily manufactured or sold on the premises on which the sign is
15 located.

16 (6) "Person" means an individual, association, or
17 corporation.

18 (7) "Portable sign" means a sign designed to be mounted on a
19 trailer, bench, wheeled carrier, or other nonmotorized mobile
20 structure.

21 SECTION 3. SPACING REQUIREMENTS. (a) An off-premise sign
22 having a face area of 301 square feet or more may not be erected
23 within 1,500 feet of another off-premise sign on the same side of
24 the roadway.

25 (b) An off-premise sign having a face area of at least 100
26 but less than 301 square feet may not be erected within 500 feet of
27 another off-premise sign on the same side of the roadway.

1 (c) An off-premise sign having a face area of less than 100
2 square feet may not be erected within 150 feet of another
3 off-premise sign on the same side of the roadway.

4 (d) For purposes of this section, each double-faced,
5 back-to-back, or V-type sign is treated as a single sign.

6 (e) Signs located at the same intersection are not in
7 violation of this section because of their nearness to one another
8 if they are located so that their messages are directed toward
9 traffic flowing in different directions.

10 SECTION 4. HEIGHT RESTRICTIONS. An on-premise or
11 off-premise sign may not be erected that exceeds an overall height
12 of 42-1/2 feet, excluding cutouts extending above the rectangular
13 border, measured from the highest point on the sign to the grade
14 level of the roadway from which the sign is to be viewed. A roof
15 sign having a tight or solid surface may not at any point exceed 24
16 feet above the roof level. Open roof signs in which the uniform
17 open area is not less than 40 percent of total gross area may be
18 erected to a height of 40 feet above the roof level. The lowest
19 point on a projecting sign must be at least 14 feet above grade.

20 SECTION 5. FACE RESTRICTIONS. An on-premise sign, other
21 than an on-premise wall sign, may not be erected that has a face
22 area exceeding 400 square feet, including cutouts but excluding
23 uprights, trim, and apron. An off-premise sign may not be erected
24 that has a face area exceeding 672 square feet, excluding cutouts,
25 uprights, trim, and apron. Neither an on-premise nor an
26 off-premise sign may have a cutout with an area larger than 20
27 percent of the sign's surface copy area.

SECTION 6. DETERMINATION OF SIZE. For signs of a double-faced, back-to-back, or V-type nature, each face is considered a separate sign in computing the face area.

SECTION 7. WIND LOADS; LOCATION AND ANCHORING OF PORTABLE SIGNS. (a) Each on-premise or off-premise sign erected or sited must be designed to resist wind loads as follows:

WIND LOAD PRESSURES IN POUNDS
PER SQUARE FOOT FOR ALL SIGNS

<u>Height, in feet</u> <u>above ground, as</u> <u>measured above the</u> <u>average level of</u> <u>the ground adjacent</u> <u>to the structure</u>	<u>Pressure,</u> <u>pounds per</u> <u>square foot</u>
0 - 5	0
6 - 30	20
31 - 50	25
51 - 99	35
100 - 199	45
200 - 299	50
300 - 399	55
400 - 500	60
501 - 800	70
Over 800	77

(b) A person may not place a portable sign on property of another without first obtaining written permission from the owner or the owner's authorized agent.

1 SECTION 8. NUMBER OF ON-PREMISE SIGNS. A business may not
2 maintain more than five on-premise signs per each frontage on a
3 single rural road at a single business location.

4 SECTION 9. ADMINISTRATION OF ARTICLE; RULEMAKING. (a) The
5 commission shall administer and enforce this article and shall
6 adopt rules to regulate the erection or maintenance of signs
7 covered under this article. The commission shall adopt rules
8 specifying the time for and manner of applying for a permit, the
9 form of the permit application, and the information that must be
10 included in a permit application.

11 (b) The commission by rule may require every applicant for a
12 permit to file with the commission a surety bond or other security
13 in a reasonable amount and payable to the commission to reimburse
14 it for the cost of removing a sign unlawfully erected or maintained
15 by a permittee. A rule adopted under this section must provide for
16 exemption from the requirement of furnishing a bond or security for
17 an applicant who has held five or more permits under this article
18 for at least one year and has not violated this article or a rule
19 adopted under this article during the preceding 12-month period.
20 Any person engaged primarily in the business of erecting signs that
21 advertise companies located or products sold on the premises on
22 which the signs are erected must file with the commission a surety
23 bond in the amount of at least \$100,000 and payable to the
24 commission to reimburse it for the cost of removing a sign
25 unlawfully erected or maintained by the person; a person may not be
26 exempted from this requirement.

27 (c) The commission may revoke a permit issued under this

1 article if the permittee:

2 (1) violates any provision or requirement of this article;
3 or

4 (2) violates a commission rule adopted under this article.

5 (d) A person whose permit is revoked may appeal the
6 revocation to a district court in Travis County. The appeal must
7 be taken not later than the 15th day after the date of the
8 commission's action.

9 (e) The commission shall issue a permit to a person whose
10 application complies with the commission's rules and whose sign, if
11 erected, would comply with the requirements of this article.

12 (f) The commission shall provide for a board of variance
13 which may, in appropriate cases and subject to appropriate
14 conditions and safeguards, make special exceptions to the
15 provisions of this article.

16 SECTION 10. PERMIT FOR ERECTION OF SIGN. A person may not
17 erect an off-premise sign that is visible from the main-travelled
18 way of a rural road without having first obtained a permit from the
19 commission. A permit issued under this section is valid for one
20 year. The commission by rule shall prescribe fees for the issuance
21 of permits in amounts determined by the commission to be sufficient
22 to enable the commission to recover the costs of enforcement of
23 this article. Fees collected under this section shall be deposited
24 in the state treasury and may be used only for the enforcement of
25 this article. Except as authorized pursuant to this Act, no permit
26 may be issued for an off-premise sign unless such sign is to be
27 located within 800 feet of one or more recognized commercial or

1 industrial business activities and located on the same side of the
2 roadway as such business.

3 SECTION 11. REPLACEMENT OR REPAIR OF SIGN. (a) When any
4 sign, or a substantial part of it, is blown down or otherwise
5 destroyed or taken down or removed for any purpose other than
6 maintenance operations or for changing the letters, symbols, or
7 other matter on the sign, it may not be reerected, reconstructed,
8 or rebuilt except in full conformance with the provisions and
9 requirements of this article.

10 (b) For purposes of Subsection (a) of this section, a sign
11 or substantial part of it is considered to have been destroyed only
12 if the cost of repairing the sign is more than 50 percent of the
13 cost of erecting a new sign of the same type at the same location.

14 SECTION 12. EXEMPTIONS. (a) The following are exempt from
15 this article:

16 (1) a sign the erection and maintenance of which is allowed
17 under the highway beautification provisions contained in Article
18 IV, Texas Litter Abatement Act (Article 4477-9a, Vernon's Texas
19 Civil Statutes);

20 (2) a sign in existence before the effective date of this
21 article;

22 (3) a sign that has as its purpose the protection of life
23 and property;

24 (4) a directional or other official sign authorized by law,
25 including a sign pertaining to natural wonders or scenic or
26 historic attractions;

27 (5) a sign or marker giving information about the location

1 of underground electric transmission lines, telegraph or telephone
2 properties and facilities, pipelines, public sewers, or waterlines;

3 (6) a sign erected by an agency of the state or a political
4 subdivision of the state; and

5 (7) a sign erected solely for and relating to a public
6 election, but only if:

7 (A) the sign is on private property;

8 (B) the sign is erected no sooner than the 60th day before
9 the election and is removed no later than the 10th day after the
10 election;

11 (C) the sign is constructed of lightweight material; and

12 (D) the surface area of the sign is not larger than 50
13 square feet.

14 (b) The following are exempt from the requirements of
15 Section 5 of this article:

16 (1) signs advertising the sale or lease of property on which
17 they are located; and

18 (2) on-premise wall signs.

19 (c) The exemption provided by Subsection (a)(2) of this
20 section does not exempt a sign from Section 13 of this article to
21 the extent that section applies.

22 SECTION 13. EXISTING OFF-PREMISE SIGNS. Not later than the
23 120th day after the effective date of this article each owner of an
24 off-premise sign erected before the effective date of this article
25 that is visible from the main-travelled way of a rural road shall
26 either remove the sign or register the sign with the commission.
27 The owner must pay a fee of \$25 for each sign that is registered.

1 This registration is valid for one year, but is renewable for an
2 annual fee of \$10 a sign, provided however, the commission may by
3 regulation provide for a longer renewal period not to exceed five
4 years.

5 SECTION 14. CIVIL AND ADMINISTRATIVE PENALTIES. (a) A
6 person who intentionally violates this article or a rule adopted by
7 the commission under this article is liable to the state for a
8 civil penalty. The attorney general or a county or district
9 attorney may sue to collect the penalty.

10 (b) The amount of the civil penalty is not less than \$150
11 nor more than \$1,000 for each violation, depending on the
12 seriousness of the violation. A separate civil penalty may be
13 collected for each day on which a continuing violation occurs.

14 (c) In lieu of a suit to collect a civil penalty, the
15 commission may, after notice and an opportunity for hearing before
16 the commission, assess an administrative penalty against a person
17 who intentionally violates this article or a rule adopted by the
18 commission under this article. The amount of an administrative
19 penalty may not exceed the maximum amount of a civil penalty under
20 this section. A continuing violation is subject to separate
21 administrative penalties in the same manner as it is subject to
22 separate civil penalties. A proceeding on the assessment of an
23 administrative penalty under this subsection is a contested case
24 for purposes of the Administrative Procedure and Texas Register Act
25 (Article 6252-13a, Vernon's Texas Civil Statutes). On appeal of
26 the assessment of an administrative penalty under this subsection,
27 the manner of review is by trial de novo.

1 (d) If it is shown at the trial for collection of a civil
2 penalty under this section or on appeal of an administrative
3 penalty under this section that a judgment for a civil penalty, or
4 a final order, not timely appealed, or a judgment for an
5 administrative penalty, was previously assessed against the person,
6 in addition to any penalty that may be assessed for the subsequent
7 violation the court shall order the revocation of any permit held
8 by the person for the location at which the subsequent violation
9 occurred.

10 (e) Civil and administrative penalties collected under this
11 article shall be deposited in the state treasury to the credit of
12 the state highway fund.

13 SECTION 15. DISPOSITION OF FEES. Except as provided by
14 Section 10 of this article, permit or registration fees collected
15 by the commission under this article shall be deposited in the
16 state treasury to the credit of the state highway fund.

17 SECTION 16. REGULATION OF OFF-PREMISE PORTABLE SIGNS IN
18 CERTAIN COUNTIES. (a) The regulations imposed by or adopted under
19 the other sections of this article do not apply to off-premise
20 portable signs in the unincorporated area of a county with a
21 population of 1.7 million or more, according to the most recent
22 federal census. In such a county, the commissioners court may
23 prohibit off-premise portable signs in the unincorporated area of
24 the county and may regulate the following matters in that area:

25 (1) the location, height, size, and anchoring of off-premise
26 portable signs; and

27 (2) other matters relating to the use of off-premise

1 portable signs.

2 (b) If a county prohibition or regulation adopted under this
3 section conflicts with state law or with a rule adopted under state
4 law by a state agency, the county prohibition or regulation
5 prevails. If a county prohibition or regulation adopted under
6 this section conflicts with a municipal sign ordinance that has
7 been extended within the municipality's extraterritorial
8 jurisdiction as permitted by Article 3 of this Act, the municipal
9 ordinance prevails in that area.

10 (c) The appropriate attorney representing the county in the
11 district court may seek injunctive relief to prevent the violation
12 or threatened violation of a prohibition or regulation adopted
13 under this section.

14 (d) The commissioners court may define an offense for the
15 violation of a prohibition or regulation adopted under this
16 section. If the commissioners court defines an offense, the
17 offense is a Class C misdemeanor. The offense is prosecuted in the
18 same manner as an offense defined by state law.

19 ARTICLE 3

20 SECTION 1. REGULATION IN CITY EXTRATERRITORIAL JURISDICTION.

21 Any municipality may extend the provisions of its outdoor sign
22 regulatory ordinance and enforce such ordinance within its area of
23 extraterritorial jurisdiction as defined by the Municipal
24 Annexation Act (Article 970a, Vernon's Texas Civil Statutes).
25 However, any municipality, in lieu of such regulatory ordinances,
26 may allow the State Highway and Public Transportation Commission to
27 regulate outdoor signs in that city's extraterritorial jurisdiction

1 by filing a written notice with the commission.

2 SECTION 2. PRECEDENCE OF MUNICIPAL ORDINANCE. If a
3 municipality extends its outdoor sign ordinance within its area of
4 extraterritorial jurisdiction, the municipal ordinance supersedes
5 the regulations imposed by or adopted under Article 2 of this Act.

6 ARTICLE 4

7 SECTION 1. Section 3, Property Redevelopment and Tax
8 Abatement Act (Article 1066f, Vernon's Texas Civil Statutes), is
9 amended to read as follows:

10 Sec. 3. DESIGNATION OF REINVESTMENT ZONES. (a) To be
11 designated as a reinvestment zone, an area must:

12 (1) substantially impair or arrest the sound growth of a
13 city or town, retard the provision of housing accommodations, or
14 constitute an economic or social liability and be a menace to the
15 public health, safety, morals, or welfare in its present condition
16 and use by reason of the presence of a substantial number of
17 substandard, slum, deteriorated, or deteriorating structures;
18 predominance of defective or inadequate sidewalk or street layout;
19 faulty lot layout in relation to size, accessibility, or
20 usefulness; unsanitary or unsafe conditions; deterioration of site
21 or other improvements; tax or special assessment delinquency
22 exceeding the fair value of the land; defective or unusual
23 conditions of title; the existence of conditions that endanger life
24 or property by fire or other cause; or any combination of these
25 factors or conditions;

26 (2) be predominantly open and, because of obsolete platting
27 or deterioration of structures or site improvements, or other

1 factors, substantially impair or arrest the sound growth of the
2 city or town;

3 (3) be in a federally assisted new community located within
4 a home-rule city or in an area immediately adjacent to the
5 federally assisted new community;

6 (4) be located wholly within an area which meets the
7 requirements for federal assistance under Section 119 of the
8 Housing and Community Development Act of 1974; [er]

9 (5) encompass signs, billboards, and other outdoor
10 advertising structures designated by the governing body of the
11 incorporated city or town for relocation, reconstruction, or
12 removal for the purpose of enhancing the physical environment of
13 the city or town, which the legislature hereby declares to be a
14 public purpose; or

15 (6) be designated a local or state-federal enterprise zone
16 under the Texas Enterprise Zone Act.

17 (b) For the purposes of Subdivision (3) of Subsection (a) of
18 this section, a federally assisted new community is a federally
19 assisted area that received or will receive assistance in the form
20 of loan guarantees under Title X of the National Housing Act and a
21 portion of the federally assisted area has received grants under
22 Section 107(a)(1) of the Housing and Community Development Act of
23 1974.

24 (c) The governing body of an incorporated city or town may
25 designate, by boundaries, as a reinvestment zone any area, or real
26 or personal property whose use is directly related to the business
27 of outdoor advertising, within the taxing jurisdiction of the city

1 or town that the governing body finds to satisfy the requirements
2 of Subsection (a) of this section, subject to the limitations set
3 forth by Section 4 of this Act. The governing body of an
4 incorporated city or town shall designate a reinvestment zone
5 eligible for residential property tax abatement, or
6 commercial-industrial tax abatement, or tax incentive financing as
7 provided for in the Texas Tax Increment Financing Act of 1981
8 (Article 1066e, Vernon's Texas Civil Statutes) [S-B-~~No~~-167-67th
9 Legislature, 1st Called Session, 1981].

10 ARTICLE 5

11 SECTION 1. EFFECTIVE DATE. This Act takes effect September
12 1, 1985, except that Article 3 of this Act takes effect
13 immediately.

14 SECTION 2. EFFECT OF PARTIAL INVALIDITY. (a) The
15 legislature declares that it would not have enacted this Act
16 without the inclusion of Section 5(a) of Article 1, to the extent
17 that provision excludes modes of compensation not specifically
18 authorized by that provision. If this exclusion of alternative
19 modes of compensation is for any reason held invalid by a final
20 judgment of a court of competent jurisdiction, the remainder of
21 this Act is void.

22 (b) Except as provided by Subsection (a) of this section,
23 this Act is severable as provided by Chapter 45, Acts of the 63rd
24 Legislature, Regular Session, 1973 (Article 11a, Vernon's Texas
25 Civil Statutes).

26 SECTION 3. COURT-APPROVED SETTLEMENT. Nothing in this Act
27 affects a court-approved settlement entered into before the

1 effective date of this Act in any litigation in a court of the
2 United States involving the validity of municipal regulation of
3 signs. To the extent a provision of this Act conflicts with the
4 terms of such a settlement, the terms of the settlement prevail.

5 SECTION 4. EMERGENCY. The importance of this legislation
6 and the crowded condition of the calendars in both houses create an
7 emergency and an imperative public necessity that the
8 constitutional rule requiring bills to be read on three several
9 days in each house be suspended, and this rule is hereby suspended,
10 and that this Act take effect and be in force according to its
11 terms, and it is so enacted.

H.B. No. 1330

President of the Senate

Speaker of the House

I certify that H.B. No. 1330 was passed by the House on April 24, 1985, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 1330 on May 26, 1985, by the following vote: Yeas 134, Nays 5, 3 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1330 was passed by the Senate, with amendments, on May 25, 1985, by the following vote: Yeas 27, Nays 4.

Secretary of the Senate

APPROVED: _____

Date

Governor

H. B. No. 1330

A BILL TO BE ENTITLED
AN ACT

relating to state and local regulation of outdoor signs.

By Bill Mene APR 24 1985

MAR 4 1985

1. Filed with the Chief Clerk.

MAR 7 1985

2. Read first time and Referred to Committee on

State Affairs

APR 1 1985

3. Reported favorably (as amended) and sent to Printer at 4:45 pm
(as substituted) APR 4 1985

APR 8 1985

4. Printed and distributed at 5:37 P.M.

APR 9 1985

5. Sent to Committee on Calendars at 9:16 A.M.

APR 23 1985

6. Read second time (amended) passed to third reading (failed) by (Non-Record Vote)
(Record Vote of 82 yeas, 61 nays, 2 present, not voting).

7. Motion to reconsider and table the vote by which H.B. _____ was ordered engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of _____ yeas, _____ nays, and _____ present, not voting.

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. _____ was finally passed prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

APR 24 1985

12. Ordered Engrossed at 3:03 pm

APR 24 1985

13. Engrossed.

APR 24 1985

14. Returned to Chief Clerk at 5:10 pm

APR 25 1985

15. Sent to Senate.

Henry Mene
Chief Clerk of the House

APR 25 1985

16. Received from the House

APR 29 1985

17. Read, referred to Committee on STATE AFFAIRS

18. Reported favorably

MAY 21 1985

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

20. Ordered not printed.

MAY 22 1985

21. Regular order of business suspended by 26 yeas, 5 nays.
(a viva voce vote.)

22. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

MAY 25 1985

23. Read second time amended passed to third reading by:
(a viva voce vote.)
_____ yeas, _____ nays.)

MAY 25 1985

24. Caption ordered amended to conform to body of bill.

MAY 25 1985

25. Senate and Constitutional 3-Day Rules suspended by vote of 27 yeas,
4 nays to place bill on third reading and final passage.

MAY 25 1985

26. Read third time and passed by
(a viva voce vote.)
(27 yeas, 4 nays.)

OTHER ACTION:

OTHER ACTION:

Secretary of the Senate

May 25, 1985

27. Returned to the House.

MAY 25 1985

28. Received from the Senate (with amendments.)
(as substituted.)

MAY 26 1985

29. House (Concurred) (Refused to Concur) in Senate (Amendments) (Substitute) by a (Non-Record)
(Vote) (Record Vote of _____ yeas, _____ nays, _____ present)

MAY 26 1985

MAY 26 1985

House concurred in Senate amendments & substituted by record vote of 124 yeas 5 nays 3 pm
House adopted Senate amendments & substituted by record vote of 124 yeas 5 nays 3 pm

30. Conference Committee Ordered.

31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

MAY 26 1985

32. Ordered Enrolled at 3:12 pm

MAY 26 1985

Ordered Enrolled at 5:00 pm

1985 APR 23 PM 11:04

President of the Senate

Speaker of the House

I certify that H.B. No. 1330 was passed by the House on
(1)

_____April 24_____, 1985, by a non-record vote;
(2)

and that the House concurred in Senate amendments to H.B. No. 1330

on _____May 26_____, 1985, by the following
(3)

vote: Yeas 134, Nays 5, 3 present not voting.
(4) (5)

Chief Clerk of the House

**** Preparation: 'A;CT63;

I certify that H.B. No. 1330 was passed by the Senate, with
(1)

amendments, on _____May 25_____, 1985, by the
(2)

following vote: Yeas 27, Nays 4.
(3) (4)

Secretary of the Senate

APPROVED:

Date

Governor

**** Preparation: 'A;CT14;